LEGITIMACY IN LIBERAL DEMOCRACIES

BENJAMIN M. STUDEBAKER

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For Sam, and for all who write

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Benjamin M. Studebaker

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INTRODUCTION

METHODS & APPROACHES TO THE STUDY OF LEGITIMACY

Donald Trump's decision to challenge the result of the 2020 presidential election has raised grave concerns about the future of democracy in the United States. In the years leading up to the election, many comparativists and democratic theorists began sounding the alarm.[1] These theorists pointed out the increasing prevalence of charismatic leaders in countries like Hungary, India, Russia, Turkey and Venezuela. They accused these leaders of turning democracy against itself, weaponising democratic legal systems to accumulate power for themselves and for their friends. Increasingly, these theories are being applied to the United States, to Donald Trump, and to Donald Trump's potential successors in the Republican Party. Steven Levitsky and Daniel Ziblatt now argue that the 'bulk' of the Republican Party is 'behaving in an antidemocratic manner'.[2] For these theorists, American democracy faces a legitimacy crisis, one that calls its very survival into question. But is this really the situation in the United States today?

Most theories of legitimacy do not begin with this sort of question. Instead, they begin with questions about you and your relationship to authority.[3] When should you respect the regime's right to rule, and when should you assert your right of rebellion? When should you feel a sense of political obligation, and how far do your obligations go? But I doubt you harbour much uncertainty about your attitude to Donald Trump. If you live in the United States, you probably already have a view about whether you would support a rebellion led by him or by someone like him. And, whatever your view is, there is probably

very little anyone could say that would change it. If you live in the United Kingdom, your feelings about the Brexit referendum are probably well established, and you probably know what you think of Boris Johnson. If you live elsewhere in the world, you probably do not feel you need a theory of legitimacy that tells you whether you ought to support the political system in your home country. Whoever you are, you probably already feel you know the answer to these questions. But many theories of legitimacy nonetheless focus on trying to help you make decisions. They try to tell you what your attitude should be to different kinds of regimes in different kinds of situations. Really, they try to tell you what to do.

I am not interested in telling you what to do. Frankly, I do not take 'you' to be the starting point. I am interested in whether the liberal democracies are in trouble, in whether they are in a dangerous situation. My focus is on them; it is not on you. There are many reasons to be interested in the fate of the liberal democracies. Many of the most powerful states in the world are liberal democracies, and it matters to people all over the world whether these states are in danger. If these states are in trouble, the liberal international order they help sustain could also be in trouble. Political disorder at the national and international level may pose a threat to you or present an opportunity for you, depending on where you live and what your politics are. I will let you sort out where you stand on all of this. Instead of telling you what to do, I aim to clarify the character of the situation for you, so that you can act within it or refrain from acting within it as you see fit.

To sort out whether the liberal democracies are in a dangerous situation, it is necessary both to have a notion of what it would mean for the situation to be dangerous and to develop an account of the specific situation these states are in. It is necessary to sort out what a legitimacy crisis is, and it is necessary to determine whether the liberal democracies are in such a crisis, but not necessarily in that order. We cannot be sure that every crisis of legitimacy takes the same form or has the same implications. If we examine the liberal democracies with a fixed notion of 'legitimacy crisis' already in mind, we will not be able to update our understanding of these crises as they take new forms. We will get stuck expecting the future to look like the past. To avoid that trap, we must construct a dialogue between the theory and the context, in which each informs and clarifies the other. For the theory to succeed in clarifying the situation, the situation must first help to clarify the theory. It must force the theory into a confrontation with real politics. It must be diagnostic.[4]

This book does not offer a radical realist theory of legitimacy. The radical realists remain interested in you and your relationship to authority, but they argue that when you evaluate whether you ought to obey the state or rebel against it, you ought to use political or epistemic values to make that judgement rather than moral values.[5] Some of these theorists do not even like the

concept of legitimacy because they consider it a trojan horse for the concept of justice.[6]

This realist discomfort with a politics based on moral values draws suspicion from theorists for whom notions of justice and domination are central to political thought.[7] It has kicked up a debate about whether realism can be radical, and some radical realists have defended the radical character of their projects by moving away from legitimacy, focusing instead on conceptualisations of ideology or democratisation.[8] But the realists involved in this debate have only had to carry it here because they got in the business of trying to tell people what they normatively ought to do while insisting that certain kinds of normative values – moral values – ought to be subordinated to political or epistemic values in political contexts. Their theories of legitimacy may have been realist in the sense that they involved a commitment to a non-moral normativity, but they were not diagnostic. They were not concerned principally with clarifying a situation, with sorting out whether there is a legitimacy crisis and, if so, what such a crisis entails.

Just as there are realist theories of legitimacy that are not diagnostic, there are diagnostic theories that are not focused on legitimacy and are not generally regarded as realist. The diagnostic tendency has, for instance, sometimes been identified with critical theorists like Karl Marx, Friedrich Nietzsche, Theodor Adorno and Michel Foucault.[9] While these theorists differ sharply from one another, they share an understanding that our theories must change along with the situations they describe if they are to continue describing those situations in a manner that clarifies rather than obscures what is really going on. But these critical theorists generally do not publish on legitimacy. Instead, they tend to write about ideology, resentment and power.[10]

There are exceptions – Jürgen Habermas used to do critical theory. In *Legitimation Crisis*, he offers a diagnosis of the crisis of the 1970s.[11] But *Legitimation Crisis* came out half a century ago, and the context to which it refers is not very much like the one the liberal democracies face today. The twentieth century was a century of competition for the liberal democracies, a century in which fascist and communist states offered – or at the very least appeared to many to offer – real alternatives to liberal democratic political systems. The collapse of this competition in the 1990s altered the stakes of legitimation. It is no longer clear that a loss of legitimacy must generate a confrontation between the state and society, because it is no longer clear to society – if there is still such a thing as society in the singular – that there is a viable alternative to the liberal democratic state form.

This is not simply to say that Habermas's theory requires an update, as some theorists have endeavoured to provide over the years.[12] For one, these Habermasians have largely abandoned the diagnostic approach, instead seeking to make the theory more universal and context-independent. But, more

fundamentally, the changes in the context reveal certain problems with Habermas's theory that make it impossible to choose his theory as the starting point. For it is not just Habermas's conceptualisation of legitimacy that is rooted in the twentieth century, it is also his conceptualisation of crisis.[13]

In the aftermath of the Second World War, political theorists tended to understand crises – and particularly crises of legitimacy – as acute phenomena, in which there is a direct threat to the survival of the political system. For Reinhart Koselleck, a latent crisis is simply a crisis that has not yet escalated to the acute level. During the latent crisis, a moral dualism forms, as the state's values become estranged from those of society. The state has opportunities during a latent crisis to listen to society and rectify the dualism. But if it ignores the dualism, it risks allowing the latent crisis to escalate into an acute crisis in which there is an 'actual moment of revolt'.[14] For Koselleck, the latent crisis is a time when the state has an opportunity to avert the acute crisis. The 'threat' comes from the possibility that the latent crisis could become acute, not from the latent crisis itself.

Writing twenty years later, Habermas similarly describes a legitimation crisis as a 'natural fate' that the state tries to 'put off' or 'avoid'.[15] But in the twenty-first century, some realists and critical theorists – such as Andrew Gamble, Wolfgang Streeck and David Runciman – have begun to consider the possibility of a crisis that may never become acute, in which the political system is tolerated with some reluctance, because people see no viable alternative to it and/or fear the consequences of acute rejection.[16] These theorists do not develop comprehensive theories of legitimacy, but they do develop theories of crisis. These theories of crisis are diagnostic in the sense that they are attempts to use the current situation to inform the theory, producing a theory of crisis that is new, that meaningfully clarifies a new situation that would remain obscure if understood purely through the old theory of crisis.

Runciman emphasises one specific feature of the situation – that veteran democracies exhibit high levels of 'confidence'.[17] Having managed difficult situations before, the citizens of an experienced democracy are confident they can 'muddle through' crises. Even when these democracies perform poorly for long periods of time, citizens find it hard to imagine abandoning democracy in favour of some other political system, because so many competing political systems have collapsed over their democracy's lifespan. Democracies that have this kind of resistance to acute crises are 'embedded'. They are deeply rooted and difficult for charismatic leaders to dislodge. When would-be autocrats try to seize power, they face opposition not just from the legislature and the judiciary but from the military and the intelligence services, too.

It is not obvious which real-world democracies are 'embedded' in this sense. Runciman, Gamble and Streeck often discuss the United States, the United Kingdom and some of the countries of the European Union. This book is

framed around the United States and the United Kingdom. The US and the UK have very old democratic procedures (the Constitution and the Westminster system) that have been in force in some form for over two centuries. If any democracies are embedded, they are. But empirical political scientists should feel free to consider whether there are other embedded democracies, especially in other parts of the world. While the United States and the United Kingdom might be embedded, this does not mean they are 'more democratic' or 'better' than other democracies. By some normative standards, the US and UK have worse democratic procedures than many younger democracies, in part because of their age. Embedded democracies began long ago. They have been through a lot. And yet, they are still here. They have outlasted many rival systems. Major parts of their populations either approve of their democratic procedures or can imagine no viable alternatives to them.

The emphasis on the restricted political imaginarium is crucial. Embeddedness is not merely a function of the age of the democracy but of the lack of credible alternative political systems that this agedness tends to bring about. Once embeddedness sets in, even in cases where there is deep frustration with the democratic procedures, it will not be possible for that frustration to trigger regime change. It is for this reason that in this book there will not be very much discussion of comparative studies that seek to evaluate whether American and British democracy are in trouble by comparing these countries with themselves in earlier periods or with other countries in other times and places, especially prior to the collapse of first Nazi Germany and then the Soviet Union.[18] This is not to say that the US and UK are exceptional countries, or that comparative perspectives can never usefully be applied to them. Existing comparative studies do not, however, tend to consider the possibility of embeddedness. They are sometimes careful to control for differences in living standards, avoiding comparing the US and UK with countries that are much poorer and therefore much less likely to be politically stable. But this is not the same thing as controlling for embeddedness, for differences in the political imaginarium.

Embedded democracies develop a variety of idiosyncrasies as they age that restrict the political imaginarium. It matters, for instance, that the US has, to a very significant degree, explicitly defined itself in relation to its political system. In France, for example, there have been multiple periods of monarchy, republic and empire. There are, plausibly, multiple French political traditions, not merely in the sense that we can discuss French monarchists and French republicans, but in the sense that there are multiple kinds of French monarchists and French republicans. There are legitimists, Orleanists and Bonapartists. There are Gaullists who are happy with the Fifth Republic and there are republicans who lament the loss of the Fourth Republic or who feel the need for a Sixth. France directly experienced the Vichy regime, and during the postwar period the French Communist Party often won pluralities in the French National Assembly. All of

these French factions recognise one another as 'French' in some sense. Frenchness is not inextricably tied to one particular set of republican procedures, and it may not even be tied to the democratic republic as a regime type. In contrast, Americanness is inextricably linked to the founding of the United States as a republic, a republic which is tied to a particular constitution that has been continuously in force during the entire period in which France had its two empires and five republics and various periods of monarchy. This overtly political identity has allowed for periods of repression – like the Red Scare – in which opposition to the American political system is categorised as not merely subversive or seditious but as *un-American*. For major parts of the American population it is not possible to imagine what it means to be American in the absence of a commitment to the American political system, and this makes it difficult for Americans to reject that system in favour of some other.

Democracy is not positively baked into the concept of Britishness in the same way. Indeed, 'democracy' was a term of abuse in Britain in the 1790s, bearing associations with its enemy – revolutionary France.[19] The British narrative focuses around these moments of refusal, when Britain opposed new political systems that caught on elsewhere. Instead of celebrating Britain's own history of revolutionary violence, the focus is on those times when the French or the Germans or the Russians wandered into darkness and Britain refused to go along. That the narrative elides important parts of British history – like the English Civil War – in no way diminishes its ability to restrict the British imaginarium going forward. The Westminster system is repeatedly presented as a longstanding bulwark against Bonapartism, Bolshevism, fascism and whatever new terrible things may be over the horizon.

The political imaginarium became restricted in the US and the UK through different processes, but these processes are in both cases tied to the longevity of their respective political systems. It would not be possible for Americanness to be equated with a commitment to a particular political system if the political system of the United States changed regularly. It would not be possible for the Westminster system to present as a bulwark against failed revolutionary political systems if it had not outlasted the French Empire, the Third Reich and the Soviet Union. When political systems become very old, they develop a mystique. This mystique may, from certain points of view, be rooted in superstition and myth. But the stories states tell about themselves matter, because even when they are false, they are often believed. Even when an embedded democracy cannot convince its citizens that the political system is working well, it may be able to convince them that democracy is 'the worst form of government, except for all those other forms that have been tried'.

Perhaps the US and the UK were already embedded when Winston Churchill uttered those words. But if they were, their embeddedness was not grasped by theorists like Koselleck or Habermas – or, as we shall see, by Robert Dahl or

Bernard Williams. Consciousness of embeddedness at the level of theory only becomes possible when theories that neglect embeddedness repeatedly struggle to explain new situations. In the US and UK, the crisis of the 1970s did not produce an acute showdown between the state and society. In the 1990s, there seemed to many to be no alternative to liberal democracy at all. It is only now, in the years following the war on terror, the global economic crisis of 2008 and the COVID-19 pandemic, that we see widespread proliferation of electorally competitive candidates and parties explicitly critical of the political system and of the liberal international order. But the re-emergence of critique does not necessarily entail the re-emergence of alternative political systems that can maintain an essential appearance of viability. It does not, in itself, bring back the vibrant atmosphere of regime competition that so strongly marked twentieth-century political theory. And, for that reason, it does not generate a sense of revolutionary possibility.

As we move deeper into the twenty-first century and the old democracies become even older, it becomes increasingly likely that these old democracies are embedded. If they are embedded, then they are not very much like other democracies in other times and places. At the same time, there does seem to be a crisis in these countries, at least in so far as there are few citizens who feel democracy is working particularly well in the US and the UK. There are deep disagreements about what democracy should be taken to mean, about how democracy should be procedurally instantiated. There is a crisis, but it is not the acute crisis we see in younger democracies, where there is a genuine threat of revolution or revolt motivated by widespread feeling that some other political system might be much better. Instead, these states experience a 'chronic legitimacy crisis', a crisis over the meaning of democracy, over democracy's procedural form. There are intense debates about how to reform democracy and deep confusion over what democracy involves, but there is no stomach for getting rid of it.

Embeddedness challenges Koselleck and Habermas's understanding of crisis. This feature of the situation demands a corresponding update to the theory of legitimacy. But contemporary accounts of legitimacy have not incorporated new theories of crisis. Indeed, they have largely avoided the notion of crisis altogether. The concept of legitimacy has become too estranged from the concept of crisis, because theorists of legitimacy have not taken it upon themselves to take an interest in diagnosing the situation, in dealing with real politics. At the same time, the new theorists of crisis have not developed a theory of legitimacy that fits with their new conceptualisation of crisis. This is a gap in the literature, and one of the tasks of this book will be to fill it.

Now, it might be objected that the appropriate place to go for this sort of diagnosis is not to a political theorist, but to a sociologist. Normative or philosophical conceptualisations of legitimacy focus on whether the state's subjects

ought to regard the state as an acceptable source of authority, on whether they ought to agree to be bound by its acts. They involve questions of 'should'. The answers often involve imperatives, and the person to whom the imperatives apply is often 'you'. But descriptive, sociological accounts often begin with questions of 'how' and 'can'. How can the state ensure that its subjects respect the regime's right to rule? How can the state ensure that its subjects feel a sense of political obligation? How can the state ensure that its subjects have a positive relationship with authority, and is there anything it can do when that relationship breaks down? Sociological arguments are not for 'you'. Instead of trying to persuade you, sociologists advise the state on how it can get you to comply with its form of political order, or they advise the state's critics on how they can get you to disrupt that order. Rather than try to reach you with an argument, they seek to influence you through bureaucrats and activists.

If this book offers a diagnosis, sociological accounts attempt to formulate new drugs and treatments. For our purposes, most sociological approaches are either too general or too specific. Sometimes they make broad claims about when, in general, legitimacy obtains, without anchoring their accounts to specific situations; these theories lack the diagnostic character.[20] Other times, these theories become preoccupied with the law, focusing narrowly on when subjects accept the decisions of judges.[21] This results in a granular kind of theory, in which the interest is in the implications of specific legal cases for the constitution or for particular judicial institutions, rather than the fate of the political system considered as a whole. Increasingly, they discuss how to legitimate public policy or the decisions of expert bodies and international organisations.[22] Sometimes this work becomes indistinguishable from public opinion research.[23] Other times the theorist is simply interested in determining how the state can get its subjects to follow everyday laws.[24] At times, this literature gets very far away from the question of whether some specific political system is in danger or faces a legitimacy crisis.

There are, to be sure, some sociological theories that do focus on specific political systems in particular periods. These accounts often come from empirical political scientists.[25] They involve the deployment of comparative methods, and those methods are not a good fit for studying newly emergent situations. An approach to legitimacy that is exclusively empirical, that looks only at how legitimacy has operated in the past, will not be able to detect what is new until long after this newness has already become widely apparent. For instance, in one edited volume, some political scientists suggest that if a measured decline in legitimacy does not produce an acute crisis, the decline is a myth and there is a need for new ways of measuring and assessing the level of legitimacy.[26] Their notions of legitimacy and crisis are fixed, so if falling legitimacy seems to no longer produce a traditional crisis then either legitimacy is being improperly measured or the concept itself is deemed to be of little use. They do not

consider that if there are no credible alternative political systems, a decline in enthusiasm for the existing political system is unlikely to produce regime change or the kind of crisis that leads to regime change. This does not mean there was no loss of legitimacy. Instead, the loss means something different – something new – when it occurs in the context of embeddedness. To grasp this, we must be willing to create new theory.

If regime change is off the table, a fall in support for the political system does not produce an acute crisis, but it does produce a crisis of another kind. If political disputes cannot issue in revolution or revolt, the amount of disagreement within the political system can rise to levels that were previously impossible. This leads to agonism, to a proliferation of sharp conflicts over political, moral, epistemic and even aesthetic values. Amid such conflict, it becomes impossible to build consensus. Arguments directed at 'you' about what you should do or how you should feel about the state become less persuasive, as we move further and further apart from one another on fundamental questions. This disagreement makes it difficult to generate stable governing majorities. It leads to coalitions, divided government and antagonisms even within the political parties themselves. And so, in addition to value disagreement, we will also see more talk of polarisation, governability problems and a lack of state capacity.[27]

As citizens become deeply frustrated with a political system that cannot act in accordance with their ever more divergent value sets, there are attempts to improve the political system, to purify it and make it live up to these values. But the same disagreements and impasses that make it difficult for democracy to act also make it difficult for it to enact procedural reforms and for the procedural reforms it does enact to deliver the promised capacities for action. In sum, I suggest that in embedded democracies, a legitimacy crisis can still occur, but instead of producing a revolution or revolt, it has an ossifying effect. The crisis does not result in the death of the state, but it does diminish its dynamism and adaptability. It causes the state to become stuck.

A century ago, Max Weber worried that the proliferation of 'many gods and demons' would make political order impossible to maintain.[28] Too much value disagreement – across all domains – would invite violence, and only the charismatic leader would be able to deploy state violence in the pivotal moments necessary to repress revolutionary insurrection. This narrative was entirely appropriate to the Weimar Republic – a newborn democracy, as far away from embeddedness as one can possibly get. In an embedded democracy, this kind of value conflict becomes sustainable across time. But this stability has a price. It is not to be had for free.

I call this condition 'deep pluralism'. Deep pluralism only becomes possible when the political system is embedded. In younger political systems, this level of fundamental disagreement is incompatible with political order. Citizens who

believe there are alternative political systems available that they can straightforwardly build through revolutionary violence do revolutionary violence. In an embedded democracy, these deep antagonisms become long-term, chronic fixtures. Democratic procedures do not function well without any meaningful level of consensus, and so an embedded democracy's chronic legitimacy crisis will heavily feature gridlock and sclerosis.

In this environment, it remains possible for individual political philosophers to draw distinctions between valid and invalid forms of legitimation and between narratives that are ideological and those that are not. But these distinctions, no matter how well drawn, will not overcome deep pluralism. There is too much mutual suspicion under deep pluralism for the disputes that constitute it to be resolved through discourse. There is no way of resolving, through mere words, a condition that is characterised by endless struggle over the meanings of all words, over the very processes by which all words are defined. Such a dispute could only be resolved with coercion and perhaps even violence. But if no one can imagine revolutionary violence accomplishing anything, that, too, is off the table. The interest here is in a chronic legitimacy crisis that appears to have no means of resolving itself. The task, then, is twofold: to explain how the state continues on in this condition, and to examine the forms of malaise that result from its continuation.

To be clear, deep pluralism is not fundamental contestability.[29] It does not refer to the possibility of contesting concepts philosophically. It is a condition in which in point of fact there is widespread contestation, even in areas in which philosophers might agree there should not be any. The disagreement can be lampooned as unreasonable or unnatural or the product of nefarious actors or social forces, but this does not get rid of it. Deep pluralism refers not to the possibility of contestation but to the fact of it. There is contestation, even if, in the considered opinion of learned scholars, there should not be.

This discussion does not neatly fit into either the descriptive or normative box. The theory is not purely sociological or purely philosophical. I will, in this work, be talking about how, descriptively, embedded democracies pursue legitimacy. But I will also at points normatively interrogate the legitimation process, to reveal the specific forms of malaise that a crisis of legitimacy generates in an embedded context. To descriptively characterise the situation, I will have to normatively criticise it, and to normatively criticise the situation, I will have to describe it. In neither case, however, will the focus be on telling you what to do or on telling the bureaucrats and activists how to manage you. So, while this work will involve both the descriptive and the normative, it is not a work of normative philosophy or descriptive sociology. It is a work of political theory.

There have been a few works on legitimacy that have combined the descriptive and the normative. But these works do not take on board other aspects of my approach. Often, they do not take an interest in a particular situation or

in theories of crisis, instead focusing on 'modernity' or on developing general theories.[30] John Rawls argues that the state that is stable for the right reasons is more stable than the state that is stable for the wrong reasons.[31] He calls for legitimacy rooted in an overlapping consensus on the constitutional essentials and basic structure. This consensus has a 'moral focus' and 'moral grounds'. It has 'stability' in the sense that even if the distribution of power changes in society and some citizens have the opportunity to deviate from the consensus and alter the constitutional essentials they will nonetheless decline to do so. In this way, Rawls suggests that the conceptualisations of legitimacy that are normatively satisfying are also those that are the most descriptively successful. Bernard Williams argues that while legitimacy is mainly a descriptive question, a descriptively successful legitimation story 'does not count' if that legitimation story fails to meet certain normative standards.[32] In particular, Williams emphasises that acceptance of the state's legitimation story must not be mere acquiescence in the face of coercion. He calls this the 'Critical Theory Principle'.

Rawls comes at legitimacy from a normative standpoint, but he insists that the descriptive success of legitimacy relies to some degree upon the existence of a satisfactory normative account. Williams comes at legitimacy from a descriptive standpoint, but he insists that descriptively successful legitimation must nonetheless meet a minimalist set of normative requirements. Williams's requirements are, however, explicitly and intentionally less demanding than those of Rawls. Williams regarded Rawls as a moralist, a theorist who tried to subject political questions to moral standards. For Williams, political questions need to be evaluated in political terms. These political terms are not necessarily non-normative, but they cannot rely on fixed understandings of moral abstractions. For Williams, such fixed understandings overlook the fact that moral concepts are politically contestable. If we think that the state is legitimate only in so far as it instantiates equality, it matters that we disagree with one another about what equality requires, and it matters that we engage in political struggles over how equality is conceptualised. By using our own preferred conceptualisations of equality to evaluate the legitimacy of the state, we presuppose answers to questions that themselves must be adjudicated by the very political system we are attempting to evaluate. If politics precedes morality – if moral concepts are conceptualised through political struggle – then morality cannot be used to evaluate politics. Morality is always already conditioned by the politics of the past. The conceptualisations of equality available to us are themselves those conceptualisations that the politics of the past made available. Trusting in our own moral sentiments as sources of evaluation thus limits our ability to think about politics, potentially making us prisoners of the political struggles of the past.

In the decades after the deaths of Rawls and Williams, supporters of the two theorists have argued with one another about whether politics is based on

morality or whether morality is based on politics. For the supporters of Williams, Rawls is too much of a moralist. For the supporters of Rawls, it is not clear what, precisely, makes Williams's political normativity political rather than moral. In recent years, many supporters of Williams have suggested that legitimacy ought to be evaluated in epistemic terms, that we should evaluate whether a legitimation story 'counts' based on whether belief in the story was itself produced by the state the story serves to legitimate.[33] While we might not be able to agree on how equality ought to be conceptualised, we might be able to agree on the epistemic principle that the state should not be a judge in its own case. If the state's legitimation story fails to meet this epistemic standard, the story can be critiqued as a form of ideology.

Both these types of account combine the normative and the descriptive together, and they both look for a shared basis upon which we can agree that some particular legitimation story does or does not count. They are committed to finding a consensus, but they disagree about the kind of consensus that is appropriate. The Rawlsians want a moral consensus while the supporters of Williams want to use political and epistemic values.

The focus on consensus moves us some distance away from what is really going on in embedded democracies. While both Rawls and Williams frame their theories as pluralist, they do not grasp the depth of pluralism that occurs in embedded democracies. Chronic legitimacy crises involve a breakdown in political consensus, albeit not one that results in civil conflict or revolution, because embeddedness blocks those outcomes. This breakdown in consensus often spills into epistemology. Citizens no longer agree with one another about what the facts are, and they no longer agree with each other about how we are meant to seek out knowledge.

In recognition of deep pluralism, I will discuss legitimacy and ideology together, as two faces of a single concept. The state's narratives can appear both as legitimation stories and as ideology. As legitimation stories, the narratives are descriptively functional – they protect the state against not merely revolution but also, to varying degrees, criticism and change of all kinds. As ideology, the narratives are normatively repugnant, because they conflict with the values – be they moral, political, epistemic or even aesthetic – of some of the subjects in question. The sheer depth of disagreement means that no narrative appears only as a legitimation story. All narratives – no matter how descriptively functional – retain the potential to appear as ideology for some subjects at some times. Conversely all narratives – no matter how normatively repugnant – retain the potential to function descriptively as legitimation for some subjects at some times.

The reader can approach this book from a radical perspective, emphasising the sense in which narratives appear or ought to appear as ideology. But the reader can also approach the book from the perspective of the rulers who value

the existing order, emphasising the sense in which narratives perform the legitimating function.[34] I will not in this book attempt to adjudicate whether these embedded democracies ought to continue, but I do invite the reader to think about this in relation to their own value set. There will, of course, be moments when I will use the word 'legitimacy' when I could have used the word 'ideology', and vice versa. When I do this, I am not seeking to exclude the alternative framing. I welcome both critical and apologetic perspectives not because I do not have views of my own on whether the embedded democracies should be defended or attacked. But it is my contention in this work that deep pluralism makes the theorist's perspective not very important. What the theorist can do is illuminate what courses of action are available to the supporters and opponents of the state's order and what the consequences of different courses of collective action are likely to be. Normative values inevitably come into play when we decide how we feel about these consequences, and this is where I am sincerely trying to leave room for the reader to decide how to feel.

There are a few theorists who work across the normative/descriptive distinction and do focus on specific situations. But these theories conceptualise crisis in the old, twentieth-century way. David Beetham claims that when regimes weak in legitimacy are subjected to stress, 'manifestations of public opposition to a particular policy rapidly develop into opposition to the system of government as such, and to its authority'. Beetham asserts that this opposition is 'typically replicated' in the military, resulting in 'spectacular collapse', a 'coup d'état', 'invasion', 'civil war' and other forms of acute crisis.[35] Pierre Guibentif acknowledges that the liberal democracies face little competition from alternative political systems, but suggests this means that legitimation is 'not an issue anymore'.[36] William Outhwaite argues there is a 'legitimacy deficit' in the European Union, but frames this deficit as a latent period that may produce an acute crisis that results in the European Union's 'dissolution'.[37] Nicholas Turnbull rejects the term 'crisis' but acknowledges legitimation 'questioning' or 'problems'.[38] He suggests further research is needed to provide an account of legitimacy as a 'problematic', but does not provide a comprehensive account himself.

I am not the first political theorist to be diagnostic. Nor am I the first to have a theory of legitimacy that complicates the distinction between normative and descriptive legitimacy. I am not the first to think about crisis in this new way, or even embeddedness, for that matter. I am certainly not the first to think about pluralism or to problematise political sclerosis. What I will do, however, is put all these things together all at once. My kind of political theory is syncretic. It combines things that usually are not put together. When we put things together, we have insights we cannot have when we think about these things in isolation from one another. Ultimately, the value of this book stands or falls on the quality of those insights. Often, they will come as part of a dance

between the theory and the situation. We will bounce back and forth quite a bit, so that the theory is itself developed through a continuous dialogue with the situation it is meant to describe. As the theory develops over the course of the book, so too does its capacity to deliver insights. Early on, the discussions of the situation serve largely to develop and clarify the theory. Over the course of the book, this relationship inverts, and the theory takes the lead, developing and clarifying the account of the situation.

The first chapter lays out some of the most prominent accounts of legitimacy and ideology from the second half of the twentieth century. The theorists it focuses on – Robert Dahl, Reinhart Koselleck, John Rawls, Jürgen Habermas, Bernard Williams, Theodor Adorno, Louis Althusser and Raymond Geuss – all developed theories of legitimacy or ideology. Some of them took a diagnostic approach, and some of them blurred the boundaries between the normative and descriptive, but they did not incorporate embeddedness or understand crisis as chronic.

Because these accounts do not incorporate embeddedness or conceptualise crisis in a chronic way, they do not grasp the implications of deep pluralism. Deep pluralism prevents the state from securing legitimacy through one story or through one simple combination of stories. The state is compelled to tell many stories that do not fit together neatly, that contradict one another, that cannot all be reconciled. In twentieth-century accounts of legitimacy and ideology, contradictions – especially those related to the concept of equality – are painted as serious problems. If the contradictions are heightened, then consciousness of the ideological dimension encourages a revolutionary attitude. But in the embedded democracy, this does not happen, and the contradictions instead spur the state to generate additional narratives. Over time, this produces a kind of ecological diversity. Instead of confronting the contradictions, subjects are invited to choose their own adventures, to listen to the stories they like and oppose the stories they despise. The promise of one day eliminating the stories they do not like allows the subject to remain attached to a state that is, in point of fact, far too divided to take much meaningful action at all. The gridlock the crisis creates in this way becomes functional – it is the continuous excuse for why ideological narratives are never overcome.

A new theory of legitimacy crisis is needed that incorporates embeddedness and deep pluralism and which therefore understands how contradictions – and therefore enormous amounts of economic and political inequality – become politically sustainable. This begins to be developed in Chapter 2. Building on the work of Bernard Williams, this chapter argues that states have a 'legitimation strategy' made up of a plurality of diverse, conflicting legitimation stories. When the subjects start to resent the state's acts and the democratic procedures that determine how the state acts, they start to lose belief in these legitimation stories. When subjects resent democratic procedures, but retain a commitment to democracy in the abstract, I argue that the state is in a chronic crisis.

It is necessary to show that this is indeed a crisis and not a mere 'problematic'. Chapter 3 describes the chronic crisis in greater detail, illustrating how it endemically produces episodes of crises over the democratic procedures. In the chronic crisis, there is too much disagreement about the procedural form democracy should take for any one procedural reform to straightforwardly generate legitimacy. Reforms that appear to some subjects to purify democracy will, in the eyes of others, appear to distort it or weaken it. This generates efforts to 'save' or 'defend' democracy from other people who are also trying to save or defend it. Sometimes, reforms that help legitimate the state in the near term will prolong the crisis, intensifying gridlock or reducing state capacity. Reductions in the state's capacity to act also diminish its ability to fulfil its narratives, producing further legitimation problems and rounds of procedural contestation down the line.

Once it is established that the chronic legitimacy crisis is indeed a crisis and one of legitimacy, it becomes possible to consider how such a crisis might end. To imagine how this kind of crisis would end, it is necessary to develop an account of the ways people can respond to it, of the kinds of action that are possible within it. Drawing on the psychological political theory of Albert Hirschman and Robert Goodin, Chapter 4 explores how states might try to end the crisis without resorting to violence. Political actors can try to 'solve' the crisis by having the state try to live up to its legitimation stories. Alternatively, political actors can try to 'settle' the crisis, by encouraging subjects to adopt less demanding legitimation stories that are better aligned with the state's acts. But under deeply pluralistic conditions, I argue solving and settling become codependent, and a vicious cycle ensues. In this scenario, political actors who fail to solve crises due to political gridlock try to reposition themselves as settlers, frustrating their supporters and generating new demands for solutions. The state 'sinks', burrowing even deeper into the crisis.

Chapter 5 considers the possibility that state actors might attempt to shift the legitimation strategy, adopting legitimation stories that are wholly different in character from the stories on which political order previously relied. This emphasis on the structure of narratives pushes the theory further, forcing us to go into added depth about how, precisely, legitimation stories work. I will argue that these narratives are framed around key 'legitimating abstractions' that have a nebulous content, that are open to multiple conflicting interpretations. These interpretations – or 'conceptualisations' – give legitimation stories a concrete character. Their precision increases the degree to which these stories are compelling, at the cost of making them more exclusive and controversial. Subjects do not only disagree about which abstractions are important, they disagree about how those abstractions ought to be conceptualised. In this way, deep pluralism is manifested ideationally. This antagonism at the level of abstractions makes it extremely difficult to resolve the chronic

crisis by, for instance, reconceptualising the legitimating abstractions upon which liberal states most often draw – liberty, equality and representation. It will not be possible to produce a consensus on new conceptualisations of these terms. To show the difficulties involved, we will explore how political theorists have tried to use these terms, encountering the obstacles that lie in wait for them.

Inequality, in particular, plays a very substantial role in twentieth-century theories of legitimacy and ideology. But because deep pluralism makes contradictory conceptualisations of equality politically functional, the abstraction cannot play the revolutionary role it previously played or was thought to have played. Drawing on the work of numerous theorists who think inequality is an important driver of legitimation problems in the contemporary liberal democracies, Chapter 6 applies the theory of legitimacy developed in this book to concretely describe an inequality-driven crisis.

An inequality-driven crisis is quite difficult to resolve. Indeed, over the course of chapters 4, 5 and 6, we will see that many strategies for ending a chronic crisis not only are unlikely to succeed in ending it, they are likely to prolong or intensify it. Chapter 7 explores what happens if the crisis just keeps going, generating ever greater levels of frustration without issuing in revolution or revolt. It explores despair as a kind of legitimation story, and it digs into some of the ways subjects attempt to avoid feelings of despair in deep, lasting crises of this kind. It focuses particularly on how despair pushes subjects out of politics and into a series of enclaves – faith, family, fandoms and futurism. In their institutionalised forms, these enclaves play mediating roles between the state and its subjects, moderating negative feelings. But as deep pluralism grinds down the state's capacities and pits its subjects against each other, the symptoms of the crisis are replicated in the enclavist zones, visiting dysfunction upon them and those who inhabit them.

Finally, the conclusion lays out what the theory means for the fate of the United States and the United Kingdom, focusing on distinctions between the two cases. It also discusses implications for other liberal democracies, making some suggestions about which ones are likely to be embedded or to become embedded at some point during the twenty-first century. This discussion is entirely provisional, and I encourage scholars who specialise in these other states to consider whether the category of 'embedded democracy' rightfully applies to the cases about which they are most knowledgeable.

By bringing in psychological political theory in Chapter 4, theories of liberty, equality and representation in Chapter 5, political economists concerned with inequality in Chapter 6 and theories related to the enclaves in Chapter 7, I will syncretise the theory of legitimacy I develop with many diverse accounts of the contemporary situation and with many different strands of political theory. This effort to inform my theory of legitimacy with many different literatures

and perspectives on the contemporary situation increases its capacity to deliver meaningful insights into that situation and sharply distinguishes it from existing theories of legitimacy.

This is a theory of how a democracy gets stuck. It does not die, but it cannot move on. It is like a dinosaur in a tar pit. A dinosaur is a large and powerful animal, and there are many ways it might try to get out of a tar pit. But if the pit is deep enough, the things the dinosaur does to get out stick it in there even deeper. Even then, it has a very long neck, and it is very hard for it to drown. There is nothing that will kill it, except the sheer fact that it cannot get out.

The state can do the dinosaur one better. It can grow additional necks. By spawning additional legitimation stories and generating new abstractions and new conceptualisations, it can draw air and even sustenance from many places and directions, all at once. But even if the dinosaur can grow additional necks – even if it can develop into a hydra – this only increases its weight, its propensity to writhe in vain, the degree to which it remains trapped.

1

LEGITIMACY IN THE MID TO LATE TWENTIETH CENTURY

This chapter examines how the concept of legitimacy was used by five prominent political theorists – Robert Dahl, Reinhart Koselleck, John Rawls, Jürgen Habermas and Bernard Williams. It compares these accounts to three accounts of ideology, focusing on those of Theodor Adorno, Louis Althusser and Raymond Geuss. The aim here is to show that while these theories provide compelling accounts of twentieth-century politics in younger democracies, they are not fully satisfying when applied to 21st-century embedded democracies.

There are several issues to which I hope to draw your attention. First, I'll make a point to highlight the way these theorists relate normative and descriptive questions. The theorists of ideology are clearly interested in the normative side. But the theorists of legitimacy position normative and descriptive questions in different relationships to one another. I'll argue that by including ideology in the discussion from the start, as legitimacy's other face, we can disentangle the normative and descriptive aspects without dropping either out of the discussion. Legitimacy has a descriptive function, but no matter how well it performs that function, it is always subject to critique as ideology, and so there is always a need for theorists of legitimacy to reckon with the possibility that their legitimation stories may appear as ideology. If the concept of ideology is not explicitly invoked, this latent worry appears in the work in other forms. Conversely, if the theorist of ideology never engages the possibility that ideology may effectively perform the legitimating function, there is perpetual confusion about why the state's order withstands critique. If the theorist of ideology believes it is possible

to do away with the state altogether in favour of a self-sustaining social order, there will be a lack of attentiveness to the need to legitimate that order.

Second, I want to suggest that in the twentieth-century theories, legitimacy and ideology are related to one another in so far as they perform a shared function – preventing revolution and revolt. I will argue that this shared function provides some justification for the decision to pitch legitimacy and ideology as two faces of a single concept. At the same time, the emphasis on revolution and revolt estranges these theories from the embedded context, where revolutionary action is blocked even when the state enjoys only a very low level of legitimacy. I do, however, credit Geuss with a gentler framing, in which legitimacy and ideology do not protect against 'revolution and revolt' but against 'criticism and change'. If legitimacy and ideology are framed as obstructing criticism and change rather than merely preventing revolution and revolt, they can still go together in the embedded context.

Third, I want to focus your attention on the way these theorists handle apparent contradictions. In twentieth-century accounts, contradictions between the state's legitimation stories and the values of the citizens raise the spectre of revolution and revolt. This spectre can be welcomed. Habermas certainly welcomes it. The key thing is that the contradiction operates by menacing the state with the threat of revolution. In embedded democracies, this does not go through. If contradictions do not produce serious revolutionary threats, they must have different consequences. Part of the work of the rest of the book will be elucidating these.

Finally, I will place a strong emphasis on where these theorists position equality in relation to legitimacy and ideology. In most of these accounts, equality does substantial work in securing legitimacy, and when contradictions open up between the way citizens conceptualise equality and the conditions that prevail in society, those contradictions play key roles in escalating crises. Since the kind of crisis that dominates the twentieth-century literature is blocked in embedded democracies, Chapter 6 will have to reframe equality's role.

The chapter focuses on the texts where the theorists' discussions of legitimacy and ideology are deepest. It does not attempt to offer comprehensive accounts of these theorists' views or to situate their discussions of legitimacy and ideology in relation to such accounts. If we were to attempt to do these things, the book would become a work of pure intellectual history, focused mainly on a particular set of theorists operating in the twentieth century. It would cease to be about diagnosing the contemporary situation.

I have chosen to write about these theorists because these theorists developed theories of legitimacy and ideology that do some of the things I am looking to do. I aim to show that my theory is different, that it meaningfully improves upon these existing accounts. Many of these theorists diagnose a situation, work across the normative/descriptive distinction, and consider the role

of inequality in driving crises of legitimacy. At the very least, all these theorists do at least two of these three things. Many contemporary theories of legitimacy and ideology do just one of these things, or none at all. It is also still unclear which contemporary theories of legitimacy and ideology – if any – will have historical staying power. The theorists that feature in this chapter have all been heavily cited by political theorists for several decades, and there is a good chance that you may already have some familiarity with their work.

Nevertheless, these theories are not fully adequate for discussing the contemporary situation in embedded democracies. Some of them combine the descriptive and the normative together in unsatisfying ways. None of them understand crisis in a chronic way, and so all of them are too ready to see revolutionary potential in contradictions. By showing how these theories do not describe the contemporary situation adequately, this chapter establishes both the need for a new theory and some of the specific features this new theory will need to have – embeddedness, a chronic understanding of crisis, an appreciation for the implications of deep pluralism, and therefore an awareness that contradictions can be functional rather than revolutionary.

Legitimacy, Ideology and Normativity

Even when legitimacy is framed in a primarily descriptive way, it is difficult to completely exclude the normative side. For Robert Dahl, people 'believe in the legitimacy' of a political system in so far as they believe that system 'is the best form of government'.[1] Dahl is interested in whether this belief did in fact obtain in the late 1960s and early 1970s, and he cites polling data in an effort to evaluate the extent to which governments did in fact enjoy descriptive legitimacy. But 'best' is a normative term, and to convince people that their form of government is really the best available, it is necessary to make claims about the respects in which the political system outperforms alternatives. Dahl connects the belief in legitimacy to further beliefs, including the belief that elections are a legitimate way of displacing a government and that governments are, on the whole, highly effective.

These two threads have both become important in American democratic theory, where they have come to play major roles in normative, philosophical accounts of legitimacy. 'Procedural democrats' argue that to secure the legitimacy of democracy, we must secure the legitimacy of a set of democratic norms and procedures, like the electoral system.[2] On these kinds of accounts, the legitimacy of the political system ought to depend – at least in part – on the legitimacy of the specific procedures through which the system operates. On the other side, 'epistemic democrats' argue that the legitimacy of the political system ought to depend – at least in part – on the degree to which we think the system makes correct decisions.[3] Procedural and epistemic democrats often argue about which theory of democracy is better. But Dahl emphasises that

both, in practice, contribute to whether a person believes that democracy is the best form of government. In this way, both matter for descriptive legitimacy.

The procedural and epistemic democrats make normative arguments for legitimacy. They argue that you should believe that elections are a legitimate way of displacing the government or that the government is, on the whole, highly effective. But these normative arguments have a descriptive function. If they are, in fact, convincing, they will have the effect of securing legitimacy. Sometimes procedural and epistemic democrats argue with one another by suggesting that their opponents have theories that are not as effective at descriptively securing legitimacy. Because normative legitimacy has the function of securing descriptive legitimacy, it is difficult to make normative arguments without considering whether these normative arguments can in fact perform their function, that is, whether they will be convincing in the relevant sense. So sometimes, epistemic democrats say that in point of fact procedural arguments for democracy will not be convincing, because real voters will not put up with a democracy that does not appear effective. And sometimes, procedural democrats say that in point of fact epistemic democrats are opening the door to authoritarianism by suggesting that the political system can be evaluated in terms of its performance. Because theories of legitimacy have a descriptive function, these normative theorists will argue that an otherwise normatively satisfying theory is not normatively satisfying if it does not in fact perform the descriptive function.

Reinhart Koselleck's discussion of legitimacy is tied closely to his discussion of crisis. He is interested in how crises come about, descriptively. But he frames crises as consequences of what he calls 'moral dualism'.[4] When the state's values and society's values become estranged, that's when Koselleck thinks you have a crisis. The implication is that if critics of the state's order succeed in moving society's values away from the state's values, the fact that they have won the normative argument will have descriptive effects. Conversely, if the state is able to realign society with its own values or to adapt its value set in a way that achieves triangulation, these normative moves will improve descriptive functionality.

On an account like this, it is not possible to make purely normative arguments about legitimacy. Normative arguments do not just succeed or fail as arguments, they succeed or fail descriptively, in the sense that they either create moral dualism or they rectify it. Critics of the state can advance moral arguments to compel the state to change its values, and defenders of the state can advance moral arguments to protect the state from moral dualism. But whether trying to get politics to respond to morality or morality to respond to politics, the theorist who intervenes in the one is necessarily intervening in the other.

John Rawls seeks to make a distinction between legitimacy on the one hand and mere stability on the other. For Dahl and Koselleck, the loss of legitimacy is

immediately associated with latent or acute threats to stability. But for Rawls, we can have some measure of stability – a 'modus vivendi' – without achieving legitimacy.[5]

This is because, for Rawls, legitimacy requires that we have stability for the right reasons. Rawls wants citizens to 'endorse' the 'constitutional essentials' in light of their 'common human reason', their capacities as reasonable and rational people. These citizens are meant to use these capacities to settle on an 'overlapping consensus' – a consensus which has a 'moral focus' and 'moral grounds', and which has stability in the sense that even if the distribution of power changes in society and some citizens have the opportunity to deviate from the consensus and alter the constitutional essentials they will nonetheless decline to do so.[6] Without this consensus, Rawls argues that states fail to meet the standard for legitimacy. They might be stable, but their stability is grounded on merely a modus vivendi.

Rawls seeks to disrupt the relationship between legitimacy and stability. Instead of framing legitimacy as a condition necessary for stability, Rawls frames stability as a condition for legitimacy, and he frames legitimacy as a moral standard by which states can be evaluated. But even Rawls cannot help but argue that states that achieve an overlapping consensus will be more stable than states that do not.[7] Because the stability of a modus vivendi depends on the distribution of political power, it can more easily be disrupted. Therefore, tying legitimacy to the overlapping consensus makes legitimacy more descriptively functional.

For all the work Rawls puts in to make legitimacy out to be a normative standard rather than a descriptive tool, by his own admission his theory is meant to deliver more functionality. There is very often a desire among political theorists to say that the most normatively satisfying theory is also the most descriptively functional and that descriptively functional theories are normatively satisfying. If these things can be united in one account, the theorist can pursue the theory they find normatively satisfying without having to worry about whether it is descriptively functional. But this can only be done once it has been shown that the normative and descriptive sides can come together. By bringing these sides together in his theory, Rawls creates space for many accounts that frame legitimacy as purely normative. These theorists do not want to have to talk about the descriptive function, and they use Rawls's argument to give themselves space to avoid it. Conversely, critics of the Rawlsian project will often start by arguing that in point of fact an overlapping consensus is impossible, that the normative account cannot actually perform the descriptive functions that Rawls attributes to it.[8]

At the same time, there is also an impulse to say that a normatively dissatisfying theory will inevitably be descriptively dysfunctional. For Jürgen Habermas, state interventions into the economy inevitably produce cultural changes that estrange citizens from the state.[9] It is only possible to manage the

economy through technocratic structures that exclude citizens from participation. When the citizens become conscious of this exclusion, they demand substantive democratisation, and because the state lacks the capacity to eternally repress them, it acquiesces. For Habermas, the only thing that can stop this process from unfolding is a total breakdown in the relationship between legitimacy and truth.[10] There is no middle ground available here – either the fact that the state's legitimation story is normatively dissatisfying produces descriptive dysfunction, or for Habermas the normative and descriptive become totally estranged.

There is a deep reluctance here to consider the possibility that descriptively functional forms of legitimacy might be normatively repugnant. For Habermas, this possibility can only be railed against as a dystopian collapse in the shared meanings of terms. If a theorist can make a satisfying normative argument but this argument cannot be used to convince people to challenge the state's order, the implication is that there is some gulf between the values of the theorist and the values of the audience, some difference in the way terms are used or understood, that cannot be overcome by force of argument. For Habermas – a theorist who was deeply committed to the idea that moral concepts are universal and straightforwardly realisable in the world – this is untenable.

Bernard Williams was willing to consider that value pluralism might just be a fact of life. Williams argues that the state is legitimate when it meets the 'basic legitimation demand' or BLD. For Williams, meeting the BLD requires the state to answer what he calls 'the first political question' in an 'acceptable' way.[11] The first political question is a question about how to secure stability. Specifically, it is about how to secure, in a descriptive, functional sense, 'order, protection, safety, trust, and the conditions of cooperation'.[12] It must be answered before any further political questions can be asked. Acceptability, for Williams, is about whether the answer to the first political question is normatively justified to each of the state's subjects. The state's subjects do not have to be fully satisfied with the justification the state offers, but they have to tolerate the state, despite feelings of 'reasonable resentment'. This means that for Williams there are at least two ways in which legitimacy can be threatened:

> 1. The state can fail to answer the first political question – it can fail to secure order, protection, safety, trust and the conditions of cooperation. This kind of failure is descriptive and functional.
>
> 2. The state can answer the first political question but do so in an unacceptable way, provoking too much resentment for citizens to tolerate it. This kind of failure is normative, but it has descriptive implications. It is because there is a normative failure that there is a descriptive failure.

Williams gives some explicit examples of unacceptable answers. He argues that the BLD is not satisfied for some group when the state 'radically disadvantages' that group by exposing it to an excessive amount of coercion, pain, torture, humiliation, suffering and death. The fear need not be of the state but of some other actor that the state is unable or unwilling to protect the group from. Williams describes those who are radically disadvantaged as 'no better off than enemies of the state'.[13] He claims that slaves are radically disadvantaged in this way, arguing that slavery is a form of 'internalised warfare'.

However, Williams clarifies that he is not suggesting that there is any fixed normative standard we can use to assess whether a group is radically disadvantaged. Instead, he suggests we focus on whether people *believe* they are radically disadvantaged, because it is our beliefs about whether we're radically disadvantaged that ultimately determine whether we accept or reject the state's order.[14] In this way, Williams acknowledges that normativity matters, but he tries to account for normativity within a theory that is otherwise purportedly about descriptive functionality.

Williams draws attention to another way in which the state's order could be unacceptable without involving radical disadvantage. It could be mere 'successful domination', in which the state is seen to produce its own acceptance in an unacceptable way. Williams argues that the acceptance of a legitimation story does not count if this acceptance is itself produced by the coercive power that is being justified.[15]

Williams calls this his 'Critical Theory Principle'. A legitimate order must satisfy this principle. But it is not always clear what satisfying it involves, because different people will have different views about what counts as having been produced by coercive power in the relevant sense. It is possible to read this very widely in such a way that it can never be satisfied or very narrowly in such a way that it nearly always is, depending on whether or not one thinks subjects have independence from structures and if so to what degree. But crucially, Williams is not committed to getting everyone to sign up to one particular interpretation of the Critical Theory Principle – for him, legitimacy exists if enough people take the principle to be satisfied to get descriptive functionality. For Williams, it is the fact that real people care about this principle that makes it relevant, irrespective of whether they normatively should care about this principle or should interpret it in some particular way.

Williams's concept of 'disadvantage' can be discussed in a similar way. Williams argues that in liberal societies, it is harder to achieve descriptive legitimacy because many liberals have expansive conceptualisations of disadvantage. Liberals reject disadvantage based on race and gender and deny that historical structures that generate disadvantage are self-legitimating.[16] Williams claims that 'now and around here' the first political question can only have a liberal answer, and hence this more expansive conceptualisation

of disadvantage must be incorporated into legitimation stories to secure legitimacy under current historical conditions.[17] The implication here is that if people began to believe that the historical structures that generate disadvantage were self-legitimating and that racialised and gendered disadvantages were fine, the liberal conceptualisation of disadvantage would stop being relevant for legitimacy. Once subjects are no longer in the context of 'now and around here', their normative values would shift. Because legitimacy for Williams rests not on what normatively matters but on what subjects believe normatively matters, the conditions for acceptability change as subjects change.

In this way, Williams acknowledges the role normative values play in determining whether subjects will in fact accept the state's legitimation stories while refusing to subordinate legitimacy to those values. The centrality of the descriptive function is maintained. The cost of this is that normative values are rendered totally contingent. While for Williams normative values do in fact cause legitimation stories to become dysfunctional, this is just a function of the way people happen to feel at any given time. Even the Critical Theory Principle is rendered contingent, because for Williams what counts as 'having been produced by coercive power' is whatever it is that we happen to feel counts.

Such a theory seems insufficient – theorists inevitably take the view that there should be some effort to spell out what counts. If our normative values matter for whether we will be able to descriptively achieve political stability, they cannot be significant exclusively for their own sake. They have instrumental uses, and the way we politically use these values necessarily affects the way we understand them in the first place. For Williams, the Critical Theory Principle matters only because real people in our context say it matters and they are able to cause problems for the state if the state disregards the way they feel about this. It is a use-it-or-lose-it principle, in that it only imposes constraints on the state for as long as we continue to affirm it. It is therefore clearly very important for the descriptive functionality of legitimacy whether we observe the Critical Theory Principle and, if so, how we understand it. But Williams himself cannot stake out a fixed position on it, because he renders it contingent. The Critical Theory Principle is so important and yet Williams leaves it purposely vague and open to reinterpretation. In this way, his work almost begs his readers to absorb themselves in trying to define the principle. So long as the Critical Theory Principle matters for descriptive legitimacy, whoever controls the way we conceptualise the principle is in a position not merely to normatively evaluate the state's legitimation stories, but to directly challenge the state's legitimacy in the descriptive, functional sense.[18]

The Critical Theory Principle is itself imported into Williams's theory of legitimacy from theories of ideology. Those theories are themselves explicitly normative theories that aim at critiquing legitimation stories. And so, in an

effort to get free and clear of normative legitimacy, Williams ironically leads us right into a set of theories that are explicitly radical in character.

Theodor Adorno always frames ideology in normative terms, though the precise configuration of these terms varies. For him, ideology has multiple aspects – it is a conflation of concepts and things, a screen, a palliative, a false acquisition of directness, an attempt to justify a fell order and a pledge to abolish contradiction.[19] A frustrated reader might want Adorno to pick a definition and stick to it, but this would be to demand directness from a concept that, for Adorno, must itself be engaged with in an indirect way. For him, part of ideology's value as an abstraction is that it cannot be easily pinned down and limited to any particular terrain. Because ideology is used to articulate so many different normative objections and because theorists of ideology tend to be interested in undermining the state rather than stabilising it, discussions of ideology do not tend to centre on its descriptive, functional character. Only one of Adorno's definitions really identifies what it is that ideology does – it attempts to justify an order.

So, as we pivot towards theories of ideology, the problem begins to invert. Theories of ideology focus heavily on normative critique. While the descriptive function is acknowledged, the aim of the theorist of ideology is to diminish the capacity of legitimation stories to perform their descriptive function. Many critical theorists are Marxists or anarchists. They believe that after a proper revolution, the state ought to wither away or be abolished. If there is no state after the revolution, then there is no need to legitimate the state, and that means the critical theorist is free to critique order without having to offer an account of how order will be legitimated in the future. But what if, after a revolution, it turns out that the causes of human conflict run deeper than expected? What if the state cannot be avoided, at least for the time being? In this situation, critical theorists often return to ideology critique rather than attempt to formulate a new kind of state or a new way of legitimating political order.

The interests of the rulers – and the interests of those who value order and peace for their own sakes, even at significant cost to other values – become less visible from this point of view. Some realist theorists place very high value on order and peace, even when maintaining order and peace involves coercion, deception and hypocrisy.[20] These theorists are driven by normative values, albeit different normative values from those the theorists of ideology tend to emphasise. But because the realisation of these normative values depends on the performance of the descriptive function and the theorists of ideology are explicitly interested in subverting that function, these values are sidelined in theories of ideology. It is too readily assumed that when ideology is overcome, the state will simply not be necessary to achieve these things, that they will be produced and reproduced spontaneously, with no need for coercion, force or the legitimation thereof.

The heavy emphasis on subverting order can also lead to gaps in accounts of how ideology is reproduced. When Louis Althusser discusses ideology, he frames the ruling class as a unitary body that subscribes to a single ruling ideology, imposed through a set of subservient ideological state apparatuses.[21] By lumping all the defenders of the state's order into one box for the purpose of critiquing the whole thing in one go, Althusser papers over the antagonisms that divide the ruling class against itself. If the ruling class were monolithic, descriptive legitimacy would be much easier to achieve. But legitimacy is threatened not just by inter-class conflict but also by intra-class conflict. Even within the ruling class, there are conflicts of interest and there are disagreements about values. Plurality within the ruling class – within the state itself – prevents the state from reliably using its apparatuses to constitute subjects in a manner that straightforwardly aligns them with a single ruling ideology.

From the critical standpoint, stability does not look like a hard-won achievement, but something that is almost automatically reproduced. The theorist is frustrated because they have not been able to successfully challenge the state's order, and so that order begins to seem more unitary and more implacable than it really is. The challenges of legitimation begin to look like the rulers' crocodile tears. And yet, apart from heavily committed anarchists, most political theorists are willing to accept some level of state coercion in exchange for order and peace. Even if we think *this* order and *this* peace ought to be critiqued as having been imposed through ideology, if we want order and peace of some kind or other, that will invariably involve developing the capacity to legitimate an order in the descriptive, functional sense. If we were to replace this order with a better one, we would have to legitimate that new order. And so, while we struggle to discuss the descriptive functionality of legitimation stories without discussing whether we normatively affirm those stories, we also struggle to realise normative critiques of ideological narratives without attending to questions of descriptive functionality. We must understand how the existing narratives function if we are to critique them, and we must understand how narratives function in general if we are to succeed in replacing one political system with another.

To Adorno's credit, one of his many definitions of ideology is a promise to end contradiction. The radical who thinks that achieving the radical project will bring an end to the need for legitimation stories – stories that can and will be critiqued as ideology from other points of view – imagines that their radical project can end contradiction. In the moment that the radical imagines they have moved beyond the need for legitimation, they have, in an important sense, embraced a new ideology, albeit one that is not yet visible to them as such. By building the contradiction between the normative and descriptive faces into the theory itself, we can tarry with the tension between these aspects instead of vainly trying to transcend it. It is for this reason that I frame legitimacy and

ideology as two faces of one abstraction. This framing forces us to remember legitimacy when we discuss ideology and to remember ideology when we discuss legitimacy, diminishing the tendency to forget or subordinate one side or the other.

The Shared Function of Legitimacy and Ideology

To make this case, it is necessary to show that legitimacy and ideology really do share a function, and that involves defining the descriptive function with greater precision. This is easy enough to do with legitimacy. In twentieth-century accounts of legitimacy, the abstraction is very clearly tied to stability and to the prevention of revolution, revolt or regime change. Often this is made clear when the theorist begins to discuss what happens if legitimacy does not obtain. For Dahl, when citizens lose their belief that democracy is the best form of government, they adopt more radical views. He suggests that these citizens become like Vladimir Lenin or Mahatma Gandhi, explicitly revolutionary figures who break the law in a bid to change the form of government outright.[22] For Koselleck, when the state fails to take proactive action to resolve moral dualism during the 'latent crisis', the crisis escalates into an 'actual moment of revolt'.[23] On his account, ignoring the moral concerns of society is bound to lead to conflict and disorder, and this conflict and disorder necessarily endangers the state.

Rawls makes the connection less directly, arguing that a state that meets his standard for legitimacy will be more stable than other kinds of states. Habermas, however, explicitly ties the loss of legitimacy to a situation in which the state is confronted with 'exorbitant demands'.[24] The state must respond to this situation either with force or with concessions, and since for Habermas force is only a temporary possibility, some of the demands must eventually be met. Here the loss of legitimacy leads directly to a revolutionary situation in which there will either be civil conflict or major procedural concessions. Williams puts the point even more bluntly, arguing that failure to meet the basic legitimation demand explicitly means failure to secure order, protection, safety, trust and the conditions of cooperation.

On these accounts, without legitimacy, there will be, at minimum, a loss of stability. In most narratives, this loss of stability produces revolutionary situations and violent disorder. Even in Rawls's account, the loss of legitimacy leads to a less stable political system that relies on a contingent balance of power that can fall apart if it is not carefully maintained.

Because theories of ideology are more overtly normatively critical, they tend to celebrate the forms of revolutionary action that most theorists of legitimacy are interested in putting off or avoiding. For theorists of ideology, it is very clear that the state does not normatively merit legitimacy, and yet very often it succeeds in securing legitimacy in the descriptive, functional sense. This pushes theorists of ideology to delve into how ideology can be reproduced despite its

normative repugnancies. These discussions often involve aspects of society that do not immediately seem directly related to the question of whether the state can avoid revolution or revolt. But, eventually, the theorist of ideology will draw such a connection.

For instance, at one stage Adorno goes to a lot of trouble to make the point that bartering operates on the basis that both parties have the option to accept or reject offers.[25] In capitalist society this remains true in one sense, but not in another, because under capitalism there is a power imbalance that puts workers, for instance, at a disadvantage. If, however, we believe that there is a labour 'market' that is natural in character, then we can believe that wages are determined by a natural process, and that shields us from having to confront the power disparity. In this way, the labour market is reified, it is treated as if it were a capital-R 'Real' thing.

The 'thinker' can see through this reification, intellectually, and imagines that this realisation itself is emancipatory. But by centring the theory around this realisation, the thinker inadvertently shores up the order. For Adorno, rejecting reification outright is an undialectical response, because it negates concepts instead of tarrying with them. We have the concept of the labour market because our society is structured in a manner that gives rise to this concept. Recognising that the concept of the labour market is reified does not in itself challenge the structure that gives rise to that concept. In this way, the critique of reification does not eradicate ideology or the order that ideology attempts to justify. Instead, it papers over it. [26]

So, for Adorno, it is not just that we participate in ideology when we barter with capitalists and pretend to negotiate on an equal footing or in accordance with natural economic processes. We also participate in ideology when we think we have accomplished something merely by intellectually challenging that first move. If we intellectually recognise that we do not escape ideology merely by intellectually recognising ideology as ideology, and we respond with despair, that too becomes an ideology, because on its own despair does nothing to change the structure, either. Adorno calls despair the 'final ideology'.[27]

In this way, many different modes of thinking and feeling can be assimilated under the heading of ideology. But the thing ideology obstructs is the thing legitimacy protects against – the possibility of political action to change the order that, for Adorno, 'drives men to despair'.

Adorno's ability to connect many things to ideology makes it a rich, dynamic concept, at the cost of obscuring the degree to which even these apparently tangential discussions are immediately relevant for legitimation. Althusser tries to make this connection more explicit and precise. He frames ideology as the thing that accomplishes what repression accomplishes by alternative means.[28] In so far as repression is concerned with preventing revolution and revolt and with preserving stability and order, his account keeps ideology's descriptive,

functional side in view. The cost of this precision is that it results in a very didactic, top-down, state-centric account of ideology, in which the state uses a set of ideological apparatuses to constitute subjects in such a way that they feel they've freely chosen to affirm the state's values. For Adorno, this kind of straightforwardness must be avoided, because for him the idea of ideology is itself a product of the processes it is used to describe, and therefore it is itself subject to change.[29] In the contemporary context, there has been an erosion of the civil society organisations that might plausibly be framed as ideological apparatuses, and many of the functions the state once performed are in the process of being privatised or handed off to global and local institutions. The Althusserian image of a unitary state with a single ruling ideology to which all ideological apparatuses are ultimately subservient does not plausibly fit deeply pluralistic conditions. There are too many diverse narratives that conflict with one another too sharply. These narratives do not emanate exclusively from the state or from apparatuses that are heavily regulated by the state. They can come from the international organisations that impose economic imperatives on states.[30] They can come from conflicting factions within the elite.[31] They can even come from the bowels of the internet, in cases where the internet is regulated loosely enough.[32]

This proliferation of narratives from diverse sources makes it difficult to identify ideology too narrowly with the particular narratives of specific apparatuses. And yet, if we define ideology very broadly, its function becomes less clear, and it becomes possible for theorists to doubt or deny the need for ideology as an abstraction. This clearly troubled Raymond Geuss. At multiple points during his discussion of ideology, Geuss uses language like 'if ideologies exist' to avoid being accused of having presupposed their existence. He directly appeals to those who wish to 'have no truck' with any concept of ideology.[33]

Geuss argues that an ideology is a set of beliefs, attitudes and preferences that are distorted as a result of the operation of specific relations of power.[34] For Geuss, these distortions present these things as inherently connected with some universal interest, when in fact they are subservient to particular interests. We can straightforwardly see Adorno's initial discussion of the labour market in this account. For Adorno, the labour market is a contingent, variable feature of our human mode of experience, but it is made to appear natural to those that participate in it. Power shapes labour negotiations, but because labour negotiations are presented as a natural process, low wages for workers – which benefit employers – are framed as a neutral, necessary output of that process.

Geuss does not then move into a discussion of reification or subjectivity. Instead, he discusses the possibility that some philosophers promote ideology by presenting relatively 'marginal' issues as if they were 'central or critical'.[35] He makes this move to make the point that ideologies do not necessarily have to involve claims that are strictly speaking false, provided that they have the

effect of conflating particular interests with universal interests. He gives the example of an activist who bangs on about the price of specific prescription drugs, distracting us from thinking about whether drugs and medical services ought to be distributed through a market in the first instance.

In this way, Geuss advances a theory that is stripped down, that does not require the extensive theoretical architecture we see in Adorno or Althusser. This defensive manoeuvre helps Geuss to defend the relevance of the idea of ideology at the cost of shrinking the set of critiques it can be used to make. His conceptualisation of ideology avoids emphasising distinctions between true and false, good and bad. It becomes merely a device for presenting the particular as universal.

Because for Geuss ideology has a different remit, its functions change. In 2014, Geuss suggested that ideology does perform the function of protecting the political system, but not from revolution and revolt. Instead, he uses softer language, suggesting that ideology protects the system against 'criticism and change'.[36]

Geuss was right to suggest ideology protects against criticism and change, but not for the reasons he suggests. The problem with the idea of ideology is not that its meaning was insufficiently precise, but that, by the end of the twentieth century, the possibility of revolution and revolt in the embedded democracies had receded from view. With no Cold War and no competition from the Soviet system, it became possible for political theorists in embedded contexts to think that democracy – and, in particular, liberal capitalist democracy – was the final form of human government.[37] If democracy is inevitable, ideology critique itself appears as a way of denying reality. If in point of fact the legitimacy of the political system is descriptively and functionally a given, what is the point of issuing normative critiques that cannot possibly produce the kind of sharp antagonism that culminates in the revolutionary situation? In such a context, theorists are more inclined to make Rawlsian arguments emphasising that the system everyone accepts is also normatively the system everyone ought to accept. The theorists that resisted that Rawlsian move often did so by arguing that the kinds of normative arguments the Rawlsians produced were insufficiently political. They seemed to have no bearing on what the state would in fact do, because without any trace of revolutionary pressure the state was entirely insulated from having to acquiesce to normative demands in the first instance. These theorists went looking for other ways of articulating normative demands that were more robustly political. But the problem was that the state was insulated not merely from moral demands, but from normative demands as such. It enjoyed an excess of legitimacy and became impervious to normative critique and to critical theory as such.

As the twenty-first century wears on, the possibility of critique has returned, but not the possibility of revolution. There is a desire once again to do ideology

critique, but no capacity to carry it through to its historic conclusions. The possibility of normative argument actually eroding the descriptive functionality of the state's legitimation stories is necessary for normative argument to appear politically meaningful. In the absence of political implications, normative values lose their weightiness, and normative discussions begin to feel irrelevant. Ideology critique itself begins to appear as ideology, in so far as it presents our political system to us as one we can meaningfully challenge through the forms of political action that were available in the twentieth century, when many of these forms of action are in fact no longer meaningful. The narrative that critique is still possible thus becomes a legitimation story. It becomes a descriptively functional way of protecting the state. The more radical and the more normatively charged the critical discussion becomes, the more that discussion performs the legitimating function.

In such a context, ideology takes on a new meaning. It becomes not just a means of preventing revolution and revolt but a means of preventing change. It does this not by preventing critique, but by preventing critique from being meaningful, from having substantive political effects. The state becomes subject to biting normative critiques from many points of view, and in a normative sense it becomes, from the point of view of many of its citizens, deeply illegitimate. But this does not subject it to the threat of revolution. Indeed, it does not even force it to make substantive concessions. Its citizens continue to put up with it even when they hold it in contempt. In this way, it retains some level of descriptive, functional legitimacy even as it bathes in every imaginable kind of normative ideology critique.

So, in the twentieth century legitimacy and ideology had the same function, in so far as both were pitched as ways of preventing revolution or revolt. The theorists of legitimacy tended to view this prevention as a good thing, and the theorists of ideology tended to view it as a bad thing, but both camps used their respective terms to refer to the narrative that prevents revolution. In recent decades, however, this has been complicated by the fading away of revolutionary possibilities, by the sense in which these democracies have become embedded. In this context the function becomes broader and vaguer and harder to pin down, and this often propels theorists to pursue more precise, exact, narrow conceptualisations. Rather than offer that, my suggestion is to view legitimacy and ideology as joined to one another in the sense in which they refer to the narratives that prevent change. Legitimacy refers to these narratives from the point of view of wanting to secure the order, while ideology refers to these narratives from the point of view of wanting to critique the order, so the narratives are constructed or problematised depending on one's values. Nonetheless, they can be united in so far as they both refer to narratives that defend a political status quo.

This need not, in itself, be taken to be an original move. But when we make it in combination with the other moves we have made and will be making – incorporating embeddedness, chronic crisis and deep pluralism – it will yield

insights. By syncretising the perspectives of the rulers and the perspectives of their critics, it is possible to paint a more complete picture of the situation, one that can be useful to you regardless of your standpoint.

Legitimacy, Ideology and Contradictions

In most theories of legitimacy, a legitimacy crisis occurs when there is a contradiction between citizens' values and the conditions the state delivers and defends. For Dahl, the legitimacy of the political system is undermined when citizens confront 'the injustices of American life'.[38] For Koselleck, it is when the citizens feel that their values are not reflected by the state that moral dualism sets in and the latent crisis begins. For Rawls, the overlapping consensus fails to obtain when that consensus cannot be justified to citizens on the basis of their own comprehensive doctrines, their own belief systems.

Sometimes this contradiction is not merely a contradiction between the citizens' beliefs and the state's actions, but between the state's own stated values and its behaviour. For Habermas, the state is committed to participatory democracy, but it delivers a form of democracy in which participation is superficial. The fact that the state has framed itself as democratic is an important part of what makes this contradiction politically significant. The state is not just behaving in a way that contradicts the citizens' values, it is engaged in a form of hypocrisy.

In theories of ideology where it is supposed that the state constitutes its citizens as subjects, the state contradicts itself by constituting subjects in such a way that they adopt values that are antagonistic to the political system. At one stage, Adorno suggests that it might be possible to 'use the strength of the subject to break through the fallacy of constitutive subjectivity'.[39] By emphasising that the state fails to uphold the values it inculcates, the critical theorist tries to recruit the subject not merely into demanding that the state uphold those values, but into critiquing those values and the political system that propagates them, with a view to generating a meaningfully revolutionary response.

For Williams, it is not possible for the state to act in accordance with the values of its citizens because the citizens have irreconcilable disagreements about values in the first instance. Instead of adopting a substantive position on these controversial questions, the state adopts a conceptualisation of liberty that is based around enabling citizens who disagree with one another on other things to live side by side.[40] Instead of pursuing agreement across all these domains of value, Williams hopes to get us to agree that peaceful coexistence is more important. But this itself can become a controversial value orientation. For many anarchists, Marxists and religious theorists it is important to stand up for our normative values or class interests, even when doing so undermines the state's order. If these orientations became widespread and Williams's conceptualisation of liberty was rejected, we would again face a legitimacy crisis

driven by a contradiction between the state's commitment to a Williamsian understanding of liberty and a wider public with some set of alternative values.

In this way, Williams takes pluralism seriously, but not seriously enough. If it really is the case that we have intractable disagreements about values, then to suppose that we can manage these disagreements through some higher value consensus – on liberty, or on the value of order or peace – supposes that this pluralism only goes so far. Williams needs to suppose pluralism only goes so far, because if pluralism was deep, it would yield the kinds of contradictions that, on most twentieth-century accounts, lead to revolution or revolt. If there is deep pluralism but there is also democratic embeddedness, then there is contradiction that is nonetheless compatible with the perpetuation of the state. This combination of contradiction and democratic survivability is, in the US and UK, an apparent fact, but one that is not well accounted for by these theories.

Equality as a Key Source of Contradiction

In the bulk of these accounts, discussions about contradictions are focused on the idea of equality. Dahl argues that equality is an axiom firmly embedded in American political culture. But the idea of equality does not have one fixed, set meaning. Instead, the way equality is conceptualised changes over time, and as it changes it creates orientations that are antagonistic to the existing system. Initially used by 'the spokesmen of the middle class' to justify their entry into the political system, it soon became clear that it was inconsistent for the state to espouse a commitment to equality while continuing to exclude the working class, women and other social groups.[41] Dahl goes so far as to suggest that belief in political equality has implications that cannot be resisted in the long term. It is a slippery slope.

Habermas takes a similar argument further. For him, the state has become actively engaged in the economy, but it acts to defend capital rather than to advance the interests of its citizens. 'Substantive democracy' would allow citizens to become conscious of 'the contradiction between administratively socialised production and the continued private appropriation and use of surplus value'.[42] To avoid this, the state ensures that administrative decisions can be made 'largely independently of specific motives of the citizens'. It accomplishes this through a 'legitimation process' that elicits 'diffuse mass loyalty' but avoids citizen participation. The state's procedures are 'democratic in form' but the citizens are 'passive' with only 'the right to withhold acclamation'. The state generates legitimacy for these procedures in two key ways. It encourages its citizens to pursue private goods, like 'money, leisure time, and security' rather than political power. It also promotes 'democratic elite theories' and 'technocratic systems theories' to suggest that it is acceptable to depoliticise the public realm in this way.

It is the contradiction between the commitment to democracy and the fact of citizen passivity that eventually produces the legitimacy crisis. But when we get under the bonnet here, it is clear that when Habermas talks about democracy, he is talking about equality. There is a lack of equality in citizen participation – a small minority of citizens are in fact much more participatory than the rest. There is also a lack of equality in so far as the state is not equally responsive to the interests of all of its citizens. Its economic policies favour the holders of private capital at the expense of this passive mass. The ordinary citizens are disadvantaged both by unequal opportunities for meaningful participation and by unequal returns from state policy. They are disadvantaged both by inequalities of political input and by inequalities of economic output. It is consciousness of these inequalities that ultimately produces the legitimacy crisis.

In both Dahl and Habermas, equality is an idea that, by its very nature, suggests certain conceptualisations to us. If we are committed to equality, our understanding of it slowly inflates, taking on more demanding characteristics until it becomes impossible for us to see equality in the state's behaviour. Even if the liberal state explicitly founds itself on the idea of equality and features equality in its legitimation stories, it will still nonetheless become clear to us over time that the kind of equality it offers is inferior to the kind it ought to offer. Indeed, the more the liberal state explicitly draws on equality, the more it invites us to think about that idea and to realise the senses in which it is hypocritical.

In treating equality as an idea that has necessary implications, however, Dahl and Habermas do not engage with the possibility of multiple, conflicting conceptualisations of equality. There are contradictions not simply between equality as understood or as practised by the state and equality as understood by society – there are also multiple contradictory conceptualisations of equality within society. This is not just to say that there are some in society who have conceptualisations of equality that are consistent with the state's and some who do not – there are many different conceptualisations that may overlap with, or differ from, the state's conceptualisation in multiple ways. Indeed, the state itself may even conceptualise equality in more than one way. Consider for instance the different ways British politicians in the Labour Party and the Conservative Party use the term.[43] In so far as some citizens think it worthwhile to vote for and support both of these parties, the state makes use of both frames for legitimation.

Williams deals directly with the possibility of a plurality of conceptualisations of equality. For him, it is the fact that we cannot agree on equality that necessitates that we agree on his peculiar conceptualisation of liberty. While those affirming some particular principle of equality have a right to what they would receive under the principle, they have no right to see the principle itself enacted.[44] Williams claims that even if they did have a right

to see the principle enacted, this would have to coexist with the sense that those who reject this principle ought to be persuaded through some democratic procedure to accept it.

When this persuasion fails, Williams says states can coerce those who disagree. He argues that this coercion does not necessarily undermine legitimacy (provided the coerced continue to accept the state's order), but that it should be acknowledged that this coercion is a loss of some kind, that it would have been better in some sense if persuasion had succeeded.[45] Williams describes as 'reasonably resentful' those who are coerced in this way, such that their conceptualisations of equality are ignored or put to one side by the state.[46] He leaves unclear where the line is between resenting the state and rejecting its claim to legitimacy, if there is such a line.

For Williams, while disagreement about equality is a problem, it is possible for subjects to disagree about equality without threatening legitimacy. It relies either on there being a shared understanding of liberty or a willingness to qualify the resentment one feels when one is coerced.

But there's a vagueness here. When people have different conceptualisations of equality, they probably have different notions of 'disadvantage', and for Williams disadvantage is tied directly to the acceptability of the state. When people are unable to persuade one another to embrace the same conceptualisation of equality and some resort to coercing others, it isn't necessarily clear whether the subjects of coercion will feel that the disadvantage they are made to endure makes the state 'unacceptable'. It seems likely that in some circumstances they will deem the disadvantage they believe they endure acceptable and in others they will not. Sometimes their resentment will be reasonable, and at other points it will escalate further.

Williams can give us no guidance on when the resentment will be reasonable and when it will involve rejecting the state's order as unacceptable. This is because, for Williams, the conceptualisation of 'disadvantage' depends on the historically contingent beliefs of the citizens. On his view, sometimes differences in conceptualisations of equality will be sharp enough to threaten legitimacy and sometimes they will not. To say more, we need to know more about the context. If a plurality of conceptualisations of equality sometimes threatens legitimacy and sometimes fosters only reasonable resentment, there is always some possibility of conflict over equality. Even in cases where conflict about equality only fosters reasonable resentment, there is an implicit suggestion that this could escalate, that the resentment could intensify.

Rawls worries that conflict over principles of equality could undermine the stability of liberal democracies. For this reason, he limits the degree to which his overlapping consensus includes a consensus on equality. The consensus is focused around the constitutional essentials, allowing citizens to continue disagreeing about moral values in other areas. In particular, Rawls excludes 'the

institutions of distributive justice' from the constitutional essentials.[47] Since many conceptualisations of equality make demands on the institutions of distributive justice, Rawls seems to deny that legitimacy depends on there being a shared understanding of equality in this sense.

Rawls does go on to say that identifying the 'idea of equality most appropriate to citizens viewed as free and equal' is 'important' and that it involves 'reciprocity', and that consequently 'democratic equality properly understood requires something like' his preferred principle of distributive justice.[48] But he says to 'select among' distributive principles, states need to 'take the idea' 'of citizens as free and equal' 'seriously' and that the principles which do this are 'those that would be selected by the citizens themselves when fairly represented as free and equal'.[49]

The upshot is that for Rawls, equality of political input is relevant to legitimacy, but the distributive principles that determine the distribution of economic output are to be determined by the legitimate constitutional essentials rather than themselves used to assess the constitutional essentials' legitimacy. In this way, Rawls morally asserts the priority of particular understandings of equality. He prioritises equality of political input over equality of economic output, incorporating the former into the constitutional essentials but not the latter.

In Dahl and in Koselleck, it is acknowledged that once the state attaches itself to particular values, those values take on lives of their own. Rawls tries to use the overlapping consensus on the constitutional essentials to tie these ideas down and prevent conceptual drift. For Rawls, citizens who affirm an overlapping consensus will not change the constitutional essentials even if power relations change and they have the power to do so. That means they will never revise the priority Rawls gives to equality of political input.

But it is not possible to tie down political ideas like equality. Over time, there is drift in the way these terms are conceptualised. Trying to lock the ideas down through the constitutional essentials will, over time, just result in a constitution that does not reflect this drift. At the same time, the drift is not singular or straightforwardly predictable in the way Dahl and Habermas suggest. It is not a monolithic drift towards one particular teleological end state. Instead, we get deep pluralism – a proliferation of many different conceptualisations of equality. These conceptualisations do not necessarily match the state's narratives or the state's behaviour, but they also do not match one another. So, while these conceptualisations can be used to critique the state's narratives of equality as forms of ideology, they can also be used to critique one another.

Raymond Geuss is particularly critical of attempts to absolutise political ideas. For Geuss, when we construe specific conceptualisations of 'equal liberty' as absolutised ideals, the terms lose their emancipatory potential and become pernicious. He writes that in the eighteenth century – when many European states were feudal societies dominated by privileged nobles – the demand for

'equality of all citizens before the law' was reasonable. But, when this ideal was not allowed to develop in the twentieth century, it ossified, giving rise to 'the conformist equality of atomised consumers'.[50]

Now, Geuss attributes this position to Adorno – and therefore it is not obviously his own view. But at the end of the chapter in which this quote appears, he writes that 'it is not clear' that we have 'been able to move beyond' Adorno's position.[51] To move beyond this position – whether we take it to be Adorno's or Geuss's – we must recognise that even this position treats the evolution of equality too much as a teleological process, in which a single idea of equality evolves from one conceptualisation into another, with the new form having a progressive character and the old form eventually losing its radical impetus and becoming first an establishment ideal and then a kind of reaction.

It is significant that even in eighteenth-century France, there was not just one French Revolutionary conceptualisation of equality.[52] If there had been just one, the revolution would likely have been more straightforward. France became a bloodbath in part because, while the revolutionaries agreed that the old regime was illegitimate and they agreed that the new regime ought to incorporate equality as an ideal, there were too many disagreements about what equality meant. This produced further quarrels about which understandings of equality truly accorded with the general will. That, in turn, led to disputes about how to interpret the general will and about the relationship between constituent powers and constituted powers. Ultimately, the First Republic was unable to settle these disputes. This made it impossible for it to secure order, and that in turn led to its collapse.

In an embedded democracy, we can have deep pluralism for an extended period of time without regime collapse. There can be an enormous proliferation of values and of conceptualisations of existing values because these conflicts do not produce revolutionary behaviour. This deep pluralism becomes so multifaceted that conceptual binaries like 'progressive' and 'reactionary' or 'left' and 'right' do not describe the debate well. Diverse political traditions begin to interact in ways that produce strange mutations. It becomes harder to track where particular conceptualisations come from, and it becomes less clear which ideas are on what sides, if indeed there are still sides about which we may speak.

This book is grounded on the idea that conceptualisations of political terms drift over time, but not in a single direction. The theories of legitimacy and ideology of the twentieth century largely frame intense disagreement as necessarily destabilising. But in embedded democracies, there is a way of achieving stability amid conceptual instability. Descriptively, legitimacy is clearly possible, even as it is constantly normatively challenged from so many different directions. In such a context, the way we conceptualise legitimacy and ideology must itself change. To theorise legitimacy and ideology in a context where there is both democratic embeddedness and deep pluralism – that is the task of the rest of this book.

2

THEORISING LEGITIMATION STORIES

While the twentieth-century theories of legitimacy and ideology cannot be straightforwardly applied to embedded democracies, there are some concepts in these theories that are useful in constructing an applicable theory. In particular, I will develop two concepts that appear prominently in the work of Bernard Williams – the 'legitimation story' and 'resentment'. I will, however, substantially revise Williams's account to better incorporate the deep pluralism that marks the embedded democracies of the twenty-first century. To that end, I will emphasise that embedded democracies can pursue legitimacy by adopting a hypocritical posture, that they can tell multiple, conflicting legitimation stories. This hypocrisy makes it very difficult to identify the state with a particular narrative, making the state hard to locate or oppose. At the same time, when the state does act in a discrete, visible way, the level of disagreement produces a considerable amount of resentment, which state actors struggle to offload. In this way, deep pluralism generates both hypocrisy and resentment, and it creates a situation in which hypocrisy and resentment become mutually reinforcing. Hypocrisy drives feelings of resentment and feelings of resentment drive accusations of hypocrisy.

I discuss hypocrisy in two senses – the personal and the impersonal. In cases of personal hypocrisy, particular state actors act contrary to conscience, invoke multiple conflicting political values to legitimate particular coercive acts, conceptualise important political values in multiple, conflicting ways, or use the same legitimation story to explain multiple contradictory acts. Impersonal

hypocrisy is made possible in so far as the state can be personated by multiple state actors at once. These actors not only explain the same coercive acts in different ways, they advocate for different acts altogether. In this way, they allow the state to talk out of both sides of its mouth, to appear committed not merely to multiple conflicting legitimation stories but also to multiple conflicting forms of action. In cases of impersonal hypocrisy, individual political actors can be completely sincere, but the state nonetheless behaves in a contradictory fashion.

In *Ordinary Vices*, Judith Shklar argues that accusations of hypocrisy are 'an expression of massive moral confusion', signs 'of a real moral insecurity'.[1] In a period of consensus, where there is a greater level of value agreement, it is possible for people to hold one another to account by appeal to their shared values. But when there is no consensus and many people are unmoved by the values of others, these appeals are ineffective. Instead, a greater emphasis is placed on sincerity and consistency. But since some of our values inevitably conflict with the values of consistency and sincerity, an excessive commitment to sincerity itself becomes a form of hypocrisy. In this situation, hypocrisy becomes 'systematic' and a 'universally available insult'.

Citizens become frustrated, in so far as it becomes clear to them that the state does not consistently act in accordance with their values or on the basis of them. Feelings of resentment motivate accusations of hypocrisy. In cases of personal hypocrisy, where it really is the case that a single political actor is acting contrary to conscience, invoking multiple conflicting political values to explain particular coercive acts, conceptualising important political values in multiple, conflicting ways, or using the same explanation to explain multiple contradictory acts, this appears easier to justify. Theorists who focus on whether hypocrisy is morally justifiable tend to focus on personal hypocrisy, on cases where hypocrisy straightforwardly appears as a personal vice and on scenarios where political actors are said to have 'dirty hands' because of actions they have taken.[2]

But if hypocrisy under deeply pluralistic conditions is systemic, the accusation of hypocrisy can also be a kind of scapegoating, in which particular political actors become the bearers of resentments that would otherwise be directed at the political system as a whole. Neil Levy argues that even in cases where individual political actors have acted in a manner that dirties their hands, because this behaviour stems from 'circumstances which necessitate such actions' those actors are not blameworthy unless they are responsible for creating the circumstances in question.[3] In so far as Levy's argument is plausible in cases of personal hypocrisy, it is even more plausible in impersonal cases.

In cases of impersonal hypocrisy, individual political actors need not be guilty of any vice, but the state as a whole nonetheless behaves in a contradictory fashion. Its procedures pit sincere political actors with conflicting values

against each other, creating both action and impasses that no political actor individually owns or wishes to individually own. Yet, because these acts and impasses are born of contradiction, they are deeply frustrating to citizens, and the resentments they generate motivate citizens to lay blame at the feet of particular actors and to accuse them of hypocrisy even where such accusations are not warranted. Anxious to avoid becoming the bearers of blame and resentment for acts and impasses outside their control, political actors attempt to pass the buck, to blame their rivals and the procedural scheme so as to avoid being blamed themselves. Ironically, this can lead to yet another form of personal hypocrisy, as these political actors know full well that the action or impasse has complex structural origins and cannot be so neatly laid at the feet of any one actor, body of actors or particular part of the procedural scheme. But this hypocrisy is functional in so far as it relocates blame and resentment away from the political system as a whole and onto the political actors who personate it and the specific procedures through which this personation takes place.

The Structure of Legitimation Stories

On a single page in the middle of *In the Beginning Was the Deed*, Bernard Williams uses the expression 'legitimation story'. He writes:

> For there to be a legitimate government, there must be a legitimation story, which explains why state power can be used to coerce some people rather than others and to allow people to restrict other people's freedom in some ways rather than others. Moreover, this story is supposed to legitimate the arrangement to each citizen, that is to say, to each person from whom the state expects allegiance; though there may be other people within the state, slaves or captives, who are nakedly the objects of coercion and for whom there is no such legitimation story.[4]

A legitimation story is an explanation the state gives for its coercive acts. The explanation is given to the citizen for the purposes of securing the citizen's allegiance. It is not framed as an instance of the coercion it is being used to explain, though explanations that appear to subjects as ideology will appear to be precisely this. Nevertheless, it will be the state's contention that it is in fact offering an explanation that the subject is free to accept or reject, that it is not merely using the explanation as a device to compel the subject to acquiesce. In keeping with what we argued in Chapter 1, an explanation can appear as both genuine legitimation and mere ideology to different subjects at the same time or to the same subject at different times.

As an expression, 'legitimation story' has caught on within Williams scholarship, and it has started to spread outside it.[5] Often, but not always, it is used in the singular. This allows theorists to imagine organisations moving from

one particular legitimation story to another, in a sequence. It is also sometimes used to describe the way non-governmental organisations explain their coercive acts. It might be true that if we apply the concept of a legitimation story to small coercive entities like firms or one's parents, there is a single story or a sequence of discrete stories all in a row.

But at least when it comes to embedded democratic states, things get more complicated. States tell a plurality of legitimation stories. They give many different explanations for why state power can be used to coerce some people rather than others. They tell many different stories for two reasons. First, it is unwise to lean too heavily on one particular legitimation story, because if that story comes to appear as ideology, its collapse is the collapse of legitimacy writ large. Second, because states play host to an enormous amount of value diversity, there is no one story states could tell that could possibly work on its own.

Williams himself acknowledges this with regard to equality. He points out that there are too many incommensurable conceptualisations of equality, that they cannot all be implemented at once, and that, ultimately, the state is left with no choice but to impose some conceptualisations of equality on subjects who do not affirm them. But then, he argues that liberty is 'what we need in order to live in society with others who have different interpretations of equality'.[6]

This view of liberty may be attractive to Williams, but the state cannot tell a single legitimation story based on it. Suppose we have a state that explains to its subjects that its coercive acts are acceptable because these acts allow them to live alongside others who have different values or different conceptualisations of equality. Political theorists who really like Bernard Williams might buy such a story. But some people are surely going to want more ambitious conceptualisations of liberty. Others will not be moved by liberty, insisting that the state tell them a story that explicitly incorporates their preferred conceptualisation of equality. Then there will be those who will want a story in which the coercion serves altogether unrelated purposes. Some might want the state to explain how its coercive acts represent the 'will of the people'. There are still people out there who want to hear stories that reference older ideals. These people might want the state to explain how its coercive acts accord with God's will. They might want the state to explain how its coercive acts secure peace, prosperity or good order.

Legitimation stories tend to refer to multiple distinct abstract values – what we might call 'legitimating abstractions'. Liberty would be just one of these abstractions. When state actors explain the state's actions, they will tend to say that they acted to advance or defend one of these abstractions. The abstractions often conflict with one another – liberty can, for instance, conflict with equality – but they also conflict with themselves, in so far as subjects conceptualise the legitimating abstractions in diverse, conflicting ways.

So, even if the state tried to tell three stories – one about liberty, one about equality, and one for people who want something else – this would not be

enough to work. The people who want a more muscular liberty story will disagree about what precise form that story should take, and so will the people who want an equality story. The people who want some other story will be even more diverse in what they want to hear.

The state must respond by telling a very large number of stories all at once. These stories will involve many different values, and they will involve many different understandings of these values. By telling many different stories, the state ensures that most of its subjects get to hear their preferred stories coming from its mouth. But it also means the state will frequently tell stories that conflict with those its subjects prefer, that it will act in ways that generate resentment. Telling many stories also introduces hypocrisy, for subjects will probably notice that even though the state is telling their preferred stories, it is also telling lots of other stories they regard as forms of ideology.

Deep Pluralism and Hypocrisy

We can refer to the entire set of legitimation stories told by the state as its 'legitimation strategy'. This 'strategy' does not have to be readily apparent to all or any of the composite parts of the state. It does not require state actors to have any formal plan or scheme. An interwoven network of legitimation stories is not literally part of a strategy; the stories merely work as if they are part of a strategy.[7] There are several senses in which the state's legitimation strategy can be taken to be hypocritical. This does not just mean that the state can act in a way that conflicts with some of the stories it tells. It can also tell stories that conflict with some of the other stories it tells, and it is able to tell multiple conflicting stories by several different means.

First, an individual political actor can personally engage in hypocrisy by telling different stories at different points. For instance, sometimes US President George W. Bush said that he was invading Iraq to protect the United States from Saddam Hussein's weapons of mass destruction.[8] But when it became clear that Iraq did not have weapons of mass destruction after all, he started telling a different story, emphasising the importance of spreading democracy and protecting human liberty.[9] Then at other points he said he was keeping American forces in Iraq because it was important not to 'cut and run'.[10] These three different explanations for Bush's action in Iraq emphasise different values – the peace and security of Americans, the freedom of the Iraqis, and the idea that the United States ought to be loyal to the Iraqi people, that it cannot betray them. It is possible for Bush to argue that these stories are mutually reinforcing, but in practice it appeared to many subjects – and many researchers – that Bush abandoned stories once it became clear to him that they were failing to convince.[11] To these subjects, it was evident either that Bush was not himself clear on why he was committed to the Iraq War or that all of these stories were forms of ideology aimed at covering up a more sinister motivation. For those in the latter camp, the Iraq War was

about securing Iraqi oil fields or about enabling the further erosion of American citizens' civil liberties.

When a political actor clearly changes their story in response to public pressure, the change in story is too readily viewed by citizens as a kind of unacceptable hypocrisy. Political actors can avoid this problem by telling vague legitimation stories that do not have a clear meaning or clear content. For Shklar, political actors can do 'whatever they choose', if only they can plausibly claim their acts serve the cause to which they have become attached.[12] Instead of conceptualising their abstractions in precise ways that allow their acts to be scrutinised, these actors use what Ernesto Laclau calls 'empty' or 'floating' signifiers, inviting citizens to fill in the gaps in the story, to use their own values to conceptualise the abstractions in ways that suit them.[13] In this way, a politician can tell a single story that is nonetheless understood in several ways. This allows multiple stories to appear as if they were one story. It also allows the same abstraction to be invoked to explain contradictory acts.

Consider, for instance, President Biden's executive order on 'Advancing Racial Equity and Support for Underserved Communities Through the Federal Government'. In this executive order, the Biden administration seeks to use the abstraction 'equity' to justify the actions of the American state:

> The term 'equity' means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of colour; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.[14]

There are many points at which the order is unclear. Equity is defined in relation to other terms, such as 'fair', 'just' and 'impartial'. But these terms are all left undefined. Early in the text of the order, the administration suggests that equity is a concept that applies to individuals. But, at later stages, it emphasises 'underserved communities'. Initially, these 'underserved communities' are identified through a list of examples. At the end of the list, the administration throws in 'persons otherwise adversely affected by persistent poverty or inequality'. No definition of 'inequality' is offered.

The administration then offers a definition for 'underserved communities':

> The term 'underserved communities' refers to populations sharing a particular characteristic, as well as geographic communities, that have been

> systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of 'equity'.[15]

An underserved community is therefore a population that shares 'a particular characteristic' and has been denied 'a full opportunity'. The administration leaves 'a full opportunity' undefined, instead referring to the aforementioned list. By repeatedly defining equity through the use of other unclear terms the executive order leaves undefined, the administration leaves it deeply unclear what specific values it espouses. Is it making a radical commitment to individual equality of welfare, or is it making a more muted commitment to eliminate the racial wealth gap? The order is written to make it possible to see both kinds of stories in it at the same time.

It might be argued that this is an instance of consensus-building. By being vague, Biden allows the many different citizens who conceptualise equity in different ways to see their conceptualisations of equity reflected in the executive order. But it also allows them to see that their preferred conceptualisations of equity are not the only ones invoked by the order and are not given priority over the other conceptualisations that are also invoked. Someone who reads the order can be pleased to see language that might suggest their preferred conceptualisation of equity, but they will also be frustrated with language that suggests other conceptualisations.

Some of these citizens may come to feel that the order has been written in a deceptive way, that its vagueness makes it ideological. Its unclear language suggests that nearly any conceivable group might plausibly be protected, but it also uses vague ethical signifiers – such as 'fair', 'just', 'impartial', 'full opportunity' and so on – to avoid making concrete commitments about how this protection will be achieved. The administration can claim that many conflicting forms of state action have been taken on the basis of this order. If citizens try to use the order to hold the administration to account, the administration retains the option to suggest the order has been misunderstood.

So, while this kind of hypocrisy is more effective, it is still limited by the fact that there is a single state actor to whom it can be attached – Joe Biden. The state is able to attach itself to multiple conflicting legitimation stories in a more stable way when it makes use of multiple state actors. Democratic procedures facilitate this through party competition and by dividing sovereignty up among multiple distinct institutions. This allows the state to be personated by many different actors all at once.

Through party competition, the state can present itself as committed to multiple legitimation stories that are straightforwardly in conflict with one another. For instance, in the United States, some Republican state actors advocate for voter fraud laws that make it considerably more difficult to vote, while some

Democratic state actors advocate for voter access laws that make it considerably easier. It is sometimes argued that higher turnout favours Democrats while lower turnout favours Republicans. This remains contested in the literature.[16] But the two parties nonetheless both frame their preferred voting laws as necessary to protect democratic values.

Republican and Democratic actors can invoke the same values in service of conflicting forms of state action. For instance, different Republicans might argue that voter fraud laws protect liberty in that they prevent would-be authoritarians from using fraud to compromise the electoral process, protect equality in that they ensure each voter receives the same number of votes and no voter votes twice, protect representation in that they ensure that elected representatives are really chosen through a clean, transparent process, or protect the epistemic worth of democratic decisions in that they ensure that only those voters who care enough to go to the trouble of meeting stringent voter requirements can vote. At the same time, different Democrats might argue that voter access laws protect liberty in that they make it easier for citizens to exercise their political rights, protect equality in that they ensure each citizen's right to vote is respected, regardless of background, protect representation in that they ensure that elected representatives represent the whole constituency, not just the demographics that are most likely to meet stringent voting requirements, or protect the epistemic worth of democratic decisions in that they ensure that electoral decisions are informed by a diverse, inclusive voter pool.

Republicans and Democrats can both make use of the same set of legitimating abstractions – in this case, liberty, equality, representation and epistemic quality. But they conceptualise these abstractions differently and in the service of different forms of state action. By using the same abstractions to tell conflicting stories, these actors increase the number of stories the state can tell at once. By putting these values to work in the service of conflicting forms of state action, they allow the state to adopt sharply conflicting policies without compromising its legitimacy. Conversely, by using multiple different values to defend the same acts, they allow voters who care about different values to see their preferred values in those acts. But all of this is achieved through multiple actors, allowing all the actors to appear individually sincere.

Elections that change which parties are in position to act not only allow the state to change policy, they also allow the state to change its narratives. Voting in a new party is not just a vote for policy change, but a vote for a change in the kinds of narratives the state tells. At the same time, because the defeated parties do not go away, elections do not simply exchange one set of narratives for another. The defeated party's legitimation stories are not silenced. They continue to be told from the opposition benches. This means that even though the opposition is no longer in position to act, it is still able to disseminate the

stories it prefers. This possibility of dissemination encourages the supporters of the defeated party to remain committed to the democratic system.

The period in opposition is a 'wilderness period' in which the opposition not only continues to tell the stories it prefers; it can frame the governing party's preferred stories as forms of ideology. Because the opposition party is not acting, its actors can adopt the posture of critical theorists, contrasting their 'true' stories with the ideological narratives the governing party uses to defend the acts it commits in the name of the state. The opposition party is also free to adopt new policies and to construct new stories in the hopes of using new policy ideas and new narratives to perform better at the next election. The more these policies and narratives conflict with those of the governing party, the more meaningful the elections appear. When the critics of the state feel that the opposition party offers meaningful opposition, the severity of the opposition party's critique shores up the legitimacy of the electoral process. In this way, the more conflict there is between the legitimation stories told by the governing party and those the opposition party prefers, the more vitality the democratic process appears to have.

If the leading parties are insufficiently distinct from one another, there's a reduction in the variety of stories that are told. This reduction reduces hypocrisy at the cost of reducing diversity, and it can leave more citizens feeling disaffected and estranged from the party system and from the democratic process more broadly.[17] For this reason, the more the parties agree in any particular area, the more important it will be to emphasise other areas in which they disagree. For instance, in the UK, it might be said that Labour leader Keir Starmer and Prime Minister Rishi Sunak are largely in agreement about economic matters, in so far as both feel that Brexit heavily constrains the economic policy options available to them in broadly similar ways.[18] If, however, they overemphasise this area of agreement, the effect will be to demoralise voters who want to hear the state emphasising other values and narratives.

Very often, the state will not actually deliver upon the policies and narratives particular political actors espouse. But when this happens, these actors can blame their political opponents rather than the political system as a whole.[19] Feelings of frustration are deflected towards specific individuals and political organisations and away from the system itself. Unsuccessful political actors perform a legitimating function, in so far as they allow the state to appear as if it were committed to legitimation stories to which it is not in fact committed. If the unsuccessful political actor in question is sincerely committed to their political project, this sincerity makes the state's impersonal hypocrisy even more functional.

When, for instance, the Labour Party is led by someone like Jeremy Corbyn, it appears as if the British state is really open to the possibility of embracing a set of left-wing policies that, in point of fact, it has never embraced.[20] By

advocating very different policies and arguing for those policies by appeal to very different legitimation stories, Corbyn enabled the British state to flirt with the left and to shore up its legitimacy with left-leaning subjects. Corbyn can be personally entirely sincere. He can be genuinely committed to his preferred policies and narratives without any shred of personal hypocrisy. But the sincerity of the state's actors can aid the state in adopting a posture that is, in another impersonal sense, deeply hypocritical.

This impersonal hypocrisy is further complicated when the state divides sovereignty between different regions or between different branches of government. For instance, in the United States, there are red states in which Republican actors have successfully enacted voter fraud laws, and there are blue states in which Democratic actors have successfully enacted voter access laws. There are some citizens in the red states who wish their states had the electoral laws that prevail in the blue states, and vice versa. These citizens do not believe the stories their own state governments are telling. They can, however, hear the stories that are being told to other citizens in other US states. This means that they do not just hear their preferred stories from opposition party actors, but from governing party actors from states other than their own. They can not only use the next election to try to hear more of the stories they prefer – they can, if they have the requisite resources, relocate to states where their preferred policies are already in force.[21]

Now, some citizens object to the federal government's decision to permit different states to adopt different electoral laws. But the federal government can tell further legitimation stories to explain its decision to allow different states to do different things. It can claim it protects states' rights by allowing different states to adopt different procedural reforms. It can suggest it is protecting the liberty of the states to make their own laws, the equal standing that the different states have with one another and the more intimate representative relationship that individual American citizens may enjoy with their respective state governments. It can frame itself as recognising and privileging the knowledge of local conditions that state governments ostensibly possess.

At the same time, the federal government can tell other stories through other political actors about how its political system allows citizens to exercise their political liberty to campaign for federal laws or federal constitutional amendments to put a stop to state laws they find unacceptable. In this way, the federal government sets itself up to benefit in situations where state governments face serious legitimation problems. Instead of rejecting the legitimacy of the American state as a whole, disaffected citizens can work to increase the powers of the federal government to regulate the states. Thus, attempts to reject the legitimacy of the American state can be reassimilated as affirmations of the federal state.[22]

Similar dynamics prevail with the branches of government. When, for instance, President Biden issued an executive order forgiving a substantial

amount of student debt, it was always possible that the Supreme Court would block the order. President Biden told citizens that he believes 'a post-high school education should be a ticket to a middle-class life' and that borrowing costs were depriving young Americans of this 'opportunity'.[23] When the Supreme Court blocked the debt relief on the grounds that the president acted outside the bounds of his authority, the state was able to avoid absorbing the cost of the relief. Because it is the court that blocked the measure, the president can remain – or at least appear to remain – committed to the measure and to the legitimation stories associated with it. He can lay blame at the feet of the court. It is possible that Biden always knew that the court was likely to reject the measure, that he took executive action because he knew the midterm elections were approaching and he wanted to encourage young voters to go to the polls. There's emerging evidence that simply supporting debt relief confers substantial electoral benefits on Biden and the Democrats in key constituencies.[24] But even if this were the case, Biden could nonetheless hide behind the court. He could tell his supporters he would have cancelled the debt, if not for the conservative justices installed by President Trump. It is possible for him to appear sincere even as the American state as a whole operates in a contradictory fashion. Through Biden, it tells a story about providing 'opportunity' conceptualised in a very specific way. But through the court, it does not act in a manner consistent with that conceptualisation of opportunity. Since the state speaks and acts through both the president and the court, it can appear hypocritical even when its personators are sincere.

We also see this play out with supranational structures. In the UK, Prime Minister David Cameron claimed he wanted to implement immigration controls but was frustrated by the European Union's migration policies.[25] He attempted to renegotiate the European treaties to give himself more policy options. But even when he could not persuade other European leaders to embrace his immigration reforms, Cameron stopped short of supporting Brexit. Because Cameron did not support Brexit, his stated commitment on immigration appeared insincere. When political actors adopt legitimation stories that seem to imply support for actions they do not then take, they can appear personally hypocritical. But these personal hypocrisies do not cause legitimation problems if the state is able to remove individual politicians who appear hypocritical through the electoral procedures. Within Cameron's own political party, there were already other state actors available who were willing to do what he would not (that is, go through with Brexit) and to tell the legitimation stories he refused to tell.

In all these ways, the state can launder contradictions through the use of multiple different political actors who operate in different parts of the political system. These actors can point their fingers at one another whenever they are unable to act in a manner that accords with the legitimation stories they tell.

The subject is told, in so many words, that their preferred legitimation stories would be acted upon if not for the other actors who are in the way. Yet the state is procedurally structured such that there is nearly always some set of actors able to stand in the way of any controversial action. When only a consensus can overcome the gridlock the procedures yield, deep pluralism prevents any such consensus from forming. So, when political actors try but fail to act, this failure allows the state to appear committed both to action and to inaction, to both the stories favoured by those who would support the act and the stories favoured by those who would oppose it. Because the state is being personated by all these different state actors all at once, it is difficult for subjects to locate it. But this chameleon can only change colour at a cost to its mobility. When the state does take decisive action in particular directions, it becomes visible not as a thing that speaks out of many mouths, but as a thing that acts in a discrete, visible way. In doing any one thing, the state can no longer appear committed to doing everything. In this way, deep pluralism means that when the state does act, its action will be felt by substantial parts of the population to be coercive. It will generate resentment.

The Role of Resentment

Williams says resentment is 'specific', but it 'so readily merges into other negative feelings, such as anger and dislike'.[26] He considers associating it with the feeling that we are being coerced without rightful cause, but decides against this on the grounds that this description carries too much moral baggage. Instead, he describes resentment as a kind of alienation, in which we cease to identify with the state's decision, regardless of whether or not we deem it to be rightful. To be clear, Williams does not himself use the term 'alienation' here, but it effectively gets at the kind of experiential non-identification he describes when he says:

> Someone who disapproves of a measure in principle but not on procedural grounds is less identified with it than someone who approves of it in both these respects. Someone who finds it both procedurally and in principle objectionable is even less identified with it, and one who thinks that all the procedures are a sham is less identified still. At the end of this line, when the action that constrains someone is experienced as nothing but coercion, sheer force in the interests of others, the lack of identification is total, and this certainly is resentment. But right from the beginning of this progression there is room for the idea that the action, whatever there is to be said for it, is a limitation of someone's liberty, to the extent that he identifies with the desires and projects which this action will frustrate.[27]

In sum, the subject's identity is alienated from the state's action and is instead associated with whatever desires and projects the state's action is perceived to

obstruct. But there are many different levels of severity of this resentment qua alienation. We start with a kind of resentment that is regularly experienced by lots of people all the time – disapproving of a measure in principle but not on procedural grounds – and end with a total lack of identification in which the state's actions are regarded as sheer force.

Williams is not alone in using the word 'resentment' and its variants to describe the experience subjects have when they feel alienated from decision-making. Friedrich Nietzsche uses 'ressentiment' to similarly describe the way slaves experience the power of their masters. For him, this ressentiment drives the slaves to reject the values of the masters and fashion an alternative morality:

> The revolt of the slaves in morals begins in the very principle of ressentiment becoming creative and giving birth to values – a ressentiment experienced by creatures who, deprived as they are of the proper outlet of action, are forced to find their compensation in an imaginary revenge.[28]

Note here that the 'revolt' of the slaves is not an attempt at regime change, but a form of moral protest. The slaves reject the legitimacy of the masters, but their rebellion is ideational rather than physical. Alienation also plays a role – the slaves do not identify with the values of the masters and the decisions that result from them, and that drives the experience of resentment. Along similar lines, Bernard Meltzer and Gil Richard Musolf emphasise that most conceptualisations of resentment – including Nietzsche's, but also those of many of the theorists who followed him – involve a hostility that is protracted in large part because it is accompanied by powerlessness.[29] Those who experience ressentiment are not capable of retaliating, at least in the near term, because they are deprived of decision-making power.

So, when there are serious problems with the state's legitimation strategy, those problems will produce resentment. But resentment does not automatically issue in a revolution or revolt. We may lack the capacity or willingness to engage in revolutionary politics, but we may still nonetheless experience resentment, and our resentment may affect our behaviour. Meltzer and Musolf do not exclusively associate ressentiment with impotence – they also argue that it can itself generate forms of response. Where Nietzsche argues that the resentful engage in an 'imaginary revenge', Meltzer and Musolf argue that 'ressentiment may issue in action when the conditions from which it derives become defined as mutable and defeasible'.[30] Thus ressentiment is associated with the hostility and frustration of the weak, but not exclusively with impotence – in so far as there are responses available, ressentiment can drive the weak to respond.

More recently, contemporary theorists have written about resentment as a driver of contemporary American politics.[31] For Jean Cohen, resentment leads

to 'electoral authoritarianism' and to a kind of acute crisis. But Williams's idea that resentment can be reasonable suggests that a more sympathetic interpretation is possible. Michelle Schwarze argues that in liberal democracies it is important to sympathise with the resentment of our fellow citizens. She writes, 'When we elide resentment with violence, we obscure its practical and historical role in effecting positive change in both politics and our everyday affairs.'[32]

It is not obvious that resentment will destroy embedded democracies. But it can motivate people to try to change things. If we think other people are wrong to reject some state action based on some legitimation story, we will not sympathise with their resentment, and we will very likely oppose the changes they try to make. But it is not a given that the changes they pursue are revolutionary or authoritarian in character. In an embedded democracy, resentment motivates demands for change that necessarily fall short of those lofty aims.

Developing Williams's Use of Resentment

So, when we are dealing with resentment, we are potentially dealing with the beginning of a legitimacy problem. But it is not at all clear from Williams's account how much resentment constitutes a real problem. Williams does, however, give us some tools we can use to be more precise about this. He suggests there are, at minimum, several distinct levels of resentment:[33]

> 1. 'Someone who approves of a measure both in principle and on procedural grounds.'
>
> 2. 'Someone who disapproves of a measure in principle but not on procedural grounds.'
>
> 3. 'One who thinks that all the procedures are a sham.'
>
> 4. 'The lack of identification is total.'

In a paper written for *Contemporary Political Theory*, I simplify these levels into a scale of resentment, with 'full stability' at one end and a Koselleck-style 'acute crisis' at the other.[34] I suggest that states can move up and down the scale, often occupying positions in between these two poles. This is functional, given the available space one has in academic journals, but we can go further. In *The Way Is Shut*, I lay out four levels of legitimacy.[35] In the language of this book, they are as follows:

> 1. Perfect – the legitimation strategy works and all subjects believe some legitimation story or other about every decision the state takes.

2. Full – the legitimation strategy works, but many subjects nevertheless oppose particular decisions the state takes from time to time. There is some level of frustration with policy.

3. Minimal – there are major problems with the legitimation strategy, but no alternative strategy has emerged to replace it. Instead, subjects focus on reforming the political system to align it with the stories they prefer. They attempt to reform democratic procedures.

4. Liminal – the legitimation strategy has completely broken down. The state's legitimation stories have been abandoned in favour of stories that promote political systems that are legitimated in fundamentally different ways.

To expand, if the political system has 'perfect' legitimacy, subjects accept the kind of system they have, the specific decision-making procedures that make up that system, and the specific decisions those procedures yield. They accept the specific procedures that constitute their particular iteration of the kind of political system they have. Sometimes these procedures are part of Rawls's 'constitutional essentials', but not always. Some procedures are not clearly part of the constitutional essentials, like the central bank, and some of Rawls's constitutional essentials are substantive rather than procedural in character, like freedom of religion. No real political system can be perfect, and no political system has ever achieved perfect legitimacy. Under perfect legitimacy, there is no concept of 'ideology' or anything similar. Because the legitimation strategy completely works, it is impossible for subjects to formulate an argument that any of the state's acts are wrong. The stories cannot even be discussed as 'stories' – they are entirely taken for granted.

When the political system has 'full' legitimacy, citizens accept the kind of political system they have and they accept the democratic procedures, but they are frequently unhappy with the specific decisions the government makes. In an embedded context, this would mean that sometimes they do not like particular elected officials or disagree with specific laws or court decisions. They do, however, feel that the political system operates fairly. They might not like the results of a given election or the specific policies of the government, but they do not want to change the way the electoral or legislative procedures function. When they lose, they accept defeat, because they believe in the system, and they believe that they stand a fair chance of winning next time. They may be critical of the government, but they are fiercely loyal to the political process. In this situation, subjects disagree about which legitimation stories are best, but they affirm some story or other most of the time. The state's legitimation strategy is successful, even though different subjects often

disagree with particular state actions and with the stories used to explain state actions.

When there's agreement on the overall character of the political system, but not on the democratic procedures, the political system has 'minimal' legitimacy. In an embedded context with minimal legitimacy, most subjects still care deeply about democracy, but they feel the political system is failing to live up to important democratic legitimation stories. As resentment intensifies, some of the people who lose political struggles find defeat unacceptable. They set about trying to reform political procedures to make them align better with their preferred legitimation stories. The reformers all agree that the existing structure is inadequate, that democracy needs to be renewed, or purified, or fixed. But many of them will have different ideas about how democratic procedures should be restructured. They might want to substantially change the electoral system, the legislative process, or the distribution of power among the branches of government. They might want to increase the power of the central government at the expense of localities, or vice versa. Different reformers will have altogether different prescriptions.

Minimal legitimacy therefore contains much more conflict and division than full legitimacy. Sometimes reform proposals are so different from one another that the would-be reformers come to despise each other at least as much as they despise the defenders of the dysfunctional system. This results not in straightforward, binary polarisation, but in multipolar politics. Multiple factions of reformers spring up, attacking both the status quo and each other. Political parties proliferate or, when two-party systems prevent this, divisions open up within the dominant parties themselves, leading to problems with party discipline that can undermine even governments that appear to command legislative majorities.

In cases where there isn't even agreement on the fundamental character of the political system, we have only 'liminal' legitimacy. Under liminal legitimacy, subjects abandon democracy as an ideal in large numbers. They genuinely – with no sense of irony or shame – embrace legitimation stories associated with authoritarian political systems for their own sake. This is the point where there is a real existential threat to democracy, where there is an imminent threat of an 'acute crisis' in Koselleck's sense.

The focus in the twentieth century was firmly on the possibility of liminal legitimacy and the acute crisis. But we now have the conceptual architecture to discuss another possibility – a state that becomes caught in minimal legitimacy, with a legitimation strategy that is clearly dysfunctional but has not collapsed outright.

Deep pluralism introduces dysfunction in that it makes it very difficult for the state to act without generating a substantial amount of resentment. Embeddedness, however, prevents the state from sinking into liminal legitimacy. In

this way, embeddedness gives the state room to act even as deep pluralism ensures action is difficult to legitimate. The state therefore always has space to act but state actors always find that action is difficult to legitimate. In such a situation, the state can survive action by making the state actors the bearers of the resentments its actions generate.

For instance, in the UK during the COVID-19 pandemic, there were deep disagreements about the degree to which the state should take action to stop the spread of the virus. To make things more complicated, public opinion about the forms of response that were acceptable varied at different stages of the pandemic.[36] This made it difficult for the government to identify policies it could legitimate across time. These disagreements were visible within the Conservative Party itself, where different factions favoured very different forms of response. The prime minister, Boris Johnson, had no path open to him that would not generate resentment. If he did nothing or too little, he would be accused of having not done enough on behalf of public health. If he did too much for too long, he would be accused of having neglected civil liberties or the economy. If he stuck with the same policies as conditions changed, he would lose support as subjects' priorities shifted. If he changed policies in response to new developments, he risked looking hypocritical. It was a challenging situation, made worse for Johnson by his personal inability to follow his own rules. Over time, Johnson became the primary bearer of resentment related to Britain's COVID-19 pandemic response.[37] In excising him, the British state excised the resentments that had become tied to him. The political careers of state actors are expendable and can be destroyed as a means of burning up the resentment that might otherwise attach itself to the democratic procedures or to the political system.

In situations that call for action that will necessarily produce resentment, clever politicians will find ways to avoid becoming the bearer of that resentment. Sometimes this will mean finding a way to act without being seen to act, but it will not always be possible to avoid being seen. Sometimes this will involve acting while blaming other state actors for the action, but it will not always be possible to avoid blame. Sometimes the action is so politically toxic that there is no way of taking it without destroying one's own career. In these situations, politicians would be better off riding the opposition benches than stuck with the choice. When pluralism runs very deep, the state may find it needs to act but can find no state actors willing to sacrifice their careers for the action. Since the state can only act and speak through state actors, in such situations there will be gridlock. The more pluralism there is, the more often political actors will find themselves in situations of this kind and the more political actors will focus on their capacity to block action. This gives the system a vetocratic character.[38] But it is not that the democratic procedures are necessarily prone to gridlock by design or by nature – it is that they are prone to gridlock when deep pluralism

obtains and hypocrisy sets in. These things can only happen when the system has become embedded, when it has proven durable enough that its durability itself becomes both a strength and a weakness.

In the course of trying to deflect resentment, state actors direct resentment not just at other individual state actors, but at particular parts of the state. Impersonal hypocrisy facilitates this. Because state actors operating in different parts of the state advocate different kinds of action and tell different legitimation stories, it is easy for state actors to associate particular state actions that generate resentment with other offices apart from their own. Political actors can then pitch themselves as possessing the solution to the problem in the form of a procedural reform package. The branches of government accuse each other, state and federal officials accuse each other, and the elected officials accuse the bureaucrats and vice versa. They propose procedural reforms that strengthen their own offices and weaken or eliminate the offices of rivals.

But in many cases, these procedural reforms themselves cannot be enacted without a level of consensus that deep pluralism makes impossible. While constitutional amendments were once common in the United States, there have been no new ones since 1992, producing an 'amendment culture' that takes it as a given that the amendment mechanism can no longer be effectively used.[39] In cases where procedural reforms can be passed, this is often precisely because those reforms do not themselves touch the areas in which antagonism is sharpest. But even in this difficult context where enacting procedural reforms is very difficult, talk of procedural reforms can still enable particular political actors to deflect resentment and politically survive periods in which, from their supporters' point of view, the state is either failing to act or acting against their values.

For instance, in 2011, the Scottish government cut spending by £1.3 billion. At the time, the government was led by the Scottish National Party (SNP), and the then Cabinet secretary for finance, employment and sustainable growth, John Swinney, explicitly emphasised that these cuts were something he was 'forced' to do, that this policy was 'imposed' upon him.[40] The SNP continuously calls for Scottish independence, a major procedural reform that it says would enhance its policy autonomy and allow it to govern Scotland more effectively. Since the SNP is the primary party calling for independence, any action it takes that generates resentment can be turned to its advantage if that action can be successfully blamed on the UK government and used to generate enthusiasm for independence. Would the SNP have made budgetary cuts in 2011 if Scotland were independent and free to make its own decisions? We cannot know for sure. But given that most of the European democracies in 2011 were making cuts in a bid to follow the European Union's fiscal rules and the SNP was committed to keeping Scotland within the EU, it is likely the SNP would have made cuts. If it had made such cuts in the case that Scotland was independent, it would

have been more difficult to do so without bearing the resentments those cuts generated.

In this way, the existence of competing power bases within the democratic framework allows state actors to shore up their legitimacy by attacking the legitimacy of other parts of the state. But this antagonism over procedures does not have to be conclusive. In some ways, the SNP benefits from the fact that its procedural reforms have not been realised – in the absence of independence, it remains free to offload resentment onto the UK government. Achieving independence would bring an end to this and make the job of generating legitimacy much harder. While the UK was in the EU, David Cameron could offload resentment onto it. But once the UK left, it became much harder for successive prime ministers to generate legitimacy for their acts, because there remained a lack of consensus on the forms state action should take and on the kinds of legitimation stories state actors should emphasise. In this way, Brexit nominally increased the set of policy options available to the UK but it made it significantly harder for British state actors to legitimate the actions they take in the state's name.

A long period of minimal legitimacy in which democracy remains embedded but there is deep pluralism produces impersonal hypocrisy on the part of the state, with different actors from different parts of the state telling conflicting legitimation stories and blocking one another from acting. In this environment, state action easily generates resentment. When the state does manage to act, state actors frequently pay for action with their careers. Procedural reform proposals take on increasing importance as a means of deflecting resentment, allowing state actors to act while at the same time offloading the resentment their actions generate onto competing actors and power bases within the state's procedural scheme. Over time, this increased emphasis on reforming democratic procedures produces a crisis.

3

THE CHRONIC LEGITIMACY CRISIS

At the end of Chapter 2, I suggested that it is possible for the state to be in a legitimacy crisis when it becomes stuck at a minimal level of legitimacy. This chapter builds on that discussion by developing a theory of crisis. It draws heavily on the work of British political theorist Andrew Gamble.

In his 2014 work, *Crisis Without End*, Gamble provides an intriguing and distinctively contemporary account of crisis. For Gamble, 'situational' crises are about a particular moment that requires an immediate response, with 'existential' crises involving a threat specifically to survival.[1] In contrast, 'structural' crises are about a condition rather than an event, in which there are 'long-term and persistent deadlocks' that lead to repeated situational crises.

Gamble's situational crises might, at first glance, seem similar to Koselleck's acute crises, while his structural crises might seem similar to Koselleck's latent crises. For Koselleck, the latent crisis produces the acute, and for Gamble, structural crises can lead to a series of situational crises. But there is a further distinction here. For Koselleck, an acute crisis is necessarily existential, because it involves a moment of revolt. Gamble, however, specifically draws a distinction between situational crises that are existential and those that are not, implying that a structural crisis can generate a series of non-existential situational crises.

What if the embedded democracies are in structural crises that generate non-existential situational crises? This is the chronic legitimacy crisis described in the introduction to this book. A democracy that is in a chronic legitimacy crisis is not about to face the revolutionary deluge. Its level of legitimacy is

minimal rather than liminal. At a minimal level of legitimation, we do not get attempts to replace the political system outright. Instead, subjects try to get the state to live up to its legitimation stories or to change which specific legitimation stories it prioritises. They do this by pursuing procedural reforms. When the level of legitimacy is closer to full and the political system is more stable, political procedures are depoliticised, and political debates become more issue and policy oriented. During a crisis period, when the level of legitimacy is closer to minimal and the political system is less stable, many of these procedures are politicised. Subjects move from emphasising *what* they decide to *how* they decide. This is a change in what political conflict is about. It is not merely polarisation or an accentuation of extremes.

In stable politics, policy reforms will dominate the agenda, while in crisis politics, procedural reforms will dominate. But domination should not be taken to imply exclusivity. Subjects will still propose policy reforms during crisis periods and procedural reforms during stable periods. It is the ratio of the one to the other and the priority given to each that shifts. A crisis has more procedural reform proposals on the agenda and the procedural reform proposals that are on the agenda will be higher up.

Why the Chronic Crisis Is a Crisis

In many cases, the procedural reforms that dominate the chronic crisis will not conflict with a country's constitution. In the United States, constitutional amendments are very difficult to pass, and most of the time reformers will prefer strategies that go around the Constitution rather than through it. What is so threatening about an emphasis on procedural reforms that are often consistent with the Constitution as it stands or with the amendment mechanisms that the Constitution enumerates? What makes this a crisis?

It is hard to tell which procedural reforms are compatible with maintaining a democratic political system. Political parties have strong incentives to politicise the distinction, and the distinction is easily politicised because, in a chronic crisis, there is widespread support for the democratic political system, but also widespread desire for conflicting procedural reforms. If you want to stop someone else from enacting their preferred procedural reforms, it will often be politically effective to accuse them of trying to destroy the democratic system. So, different political parties will advocate different procedural reforms. They portray their own reforms as strategies for saving democracy, and they portray the reforms of their opponents as efforts to destroy it. More and more political energy is caught up in the struggle to save democracy from all the other factions that are also trying to save democracy.

How does this happen? For theorists like Nancy Bermeo and Kim Lane Scheppele, existential threats to democracy often begin in 'executive aggrandisement' and 'autocratic legalism'.[2] Democratically elected leaders manipulate

the constitution to increase their power. They reform procedures to improve their own positions while maintaining a democratic veneer. When procedural reforms enhance the power of the executive, they can easily look like an existential attack on democracy. In countries such as Hungary, India, Russia, Turkey and Venezuela, that is often precisely what procedural reforms have been used to do. Bermeo describes Turkish president Recep Tayyip Erdoğan's use of procedural reforms to gut the independent judiciary:

> In 2010, Erdoğan passed two-dozen constitutional changes via national referendum. The president received power to name fourteen of the seventeen Constitutional Court judges, while decisions about which parties are legal and allowed to field candidates for office were shifted from the courts to the legislature. In 2014, the government passed legislation giving the justice minister power to directly appoint members to the High Council of Judges and to control the inspection board that disciplines judges. Within six months, more than three-thousand sitting judges had been removed. The courts suffered another blow from a law that gave the National Intelligence Organisation (headed by a presidential appointee) power to collect 'all information, documents or data from any entity in Turkey' without having to seek judicial permission or submit to judicial review. All these changes were made by democratically elected officials with a strong popular mandate to rule. Because many of the new measures challenged military and civilian elites with less than perfect democratic credentials of their own, they cut through the old order with what even critics describe as 'a democratizing edge'.[3]

But procedural reforms can also be used to strengthen the democratic character of the political system. In the UK in 1910, the House of Lords used its suspensory veto to block a land tax, frustrating government policy. The prime minister, David Lloyd George, pushed through the Parliament Act 1911, reducing the power of the lords to veto legislation. Most British democratic theorists do not consider the Parliament Act 1911 to be anti-democratic. But Bermeo defines executive aggrandisement this way:

> This more common form of backsliding occurs when elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences. The disassembling of institutions that might challenge the executive is done through legal channels, often using newly elected constitutional assemblies or referenda. Existing courts or legislatures may also be used, in cases where supporters of the executive gain majority control of such bodies. Indeed, the defining feature of executive

> aggrandisement is that institutional change is either put to some sort of vote or legally decreed by a freely elected official – meaning that the change can be framed as having resulted from a democratic mandate.[4]

By reducing the power of the Lords, the Liberal government modified British constitutional essentials to increase its own power. It reduced the checks on the power of the prime minister, hampering the power of opposition forces to challenge executive preferences. But today, this procedural reform looks like an extension of British democracy rather than a distortion. The Lords were a small minority, and they used their veto to protect their own estates from tax.

The contemporary debate over voter access in the United States shows how easy it is to muddy the waters. In 2020, the Democrats sought to make it easier for voters to vote by mail and by absentee ballot. They worried that the COVID-19 pandemic would depress voter turnout. Many Democrats have long believed that our democratic procedures would be fairer if it were easier for people to vote. It has also sometimes been argued that Democrats do better when turnout is higher, though the evidence on this point is contested.[5]

When President Trump was defeated in 2020, he and some of his supporters alleged that the procedural reforms that had been enacted to make it easier to vote from home were a form of election manipulation. Many Republicans have sought to reverse these electoral changes. Some have sought to use the frustration surrounding the 2020 election to make it even harder to vote than it was before.

The Democrats, in turn, regard the Republican procedural reforms as a voter suppression strategy. They hope to pass a federal law that would stop Republican-led state governments from passing voter suppression laws. The Republicans, in turn, regard this proposal as an attempt by the federal government to usurp the rights of the states guaranteed under the Tenth Amendment.

Each party accuses the other of trying to rig elections and destroy democracy. But both parties say they want fair elections and a strong democracy. The more the Democrats try to make elections fair, the more the Republicans accuse them of trying to enable voter fraud, and the more the Republicans try to make elections fair, the more the Democrats accuse them of suppressing the vote. The more one party tries to save democracy, the easier it is for the other party to portray it as a destroyer.

Chronic crises are tricky because they are periods in which the definition of democracy is renegotiated. The very procedural reforms that can easily be framed as democratic backsliding are framed by others as tools for defending, extending and purifying democracy. This creates a lot of honest disagreement about which procedural reforms are good for democracy and which are bad. But that honest disagreement does not look honest to those participating in it.

The chronic crisis looks as if it might produce an existential crisis, and fear of an existential crisis prompts defenders of democracy to take drastic measures to save the political system from phantom foes. In the United States, the Democrats increasingly fear the effects of fake news. For Steven Levitsky and Daniel Ziblatt, Donald Trump won the 2016 primaries in large part because cable news and social media allowed him to build a following and raise money without having to go through traditional party channels.[6] Levitsky and Ziblatt believe that Trump and the Republicans are hostile to democracy.[7] If they are right, American democracy faces an existential threat, and it would make sense for its defenders to enact procedural reforms that strengthen gatekeepers in the political parties and in the media. But if they are wrong, the reforms they propose will exacerbate definitional disputes. Everything they do to save democracy from the Republicans looks to the Republicans like an attack on a democracy. Levitsky and Ziblatt's reforms inspire the Republicans to pursue their own reforms, and those reforms in turn look anti-democratic to Levitsky and Ziblatt. That drives Levitsky and Ziblatt to try even harder to pass their own reforms. A vicious cycle ensues.

In the UK, the struggle over Brexit also pitted different understandings of 'democracy' against one another. In 2019, Prime Minister Boris Johnson was struggling to get the European Union to renegotiate the Brexit deal. To obtain leverage, Johnson sought to threaten the EU with a no-deal Brexit. But there was sizeable opposition to this game of chicken in Parliament. MPs hoped to pass legislation blocking a no-deal Brexit, and so Johnson sought to reduce the time available to MPs to propose or pass legislation that would tie his hands by restricting the parliamentary session – by proroguing Parliament.[8]

Johnson's opponents regarded this as an attack on the rights of Parliament and therefore as an attack on British democracy. The then speaker of the House of Commons, John Bercow, called it a 'constitutional outrage', and there were extensive demonstrations under the slogan 'Stop the Coup'.[9] Within the academy, David Sanders alleges that this was just one of many 'constitutional violations' committed by Johnson, who used 'anti-democratic devices' to 'cling to power'.[10]

Prorogation powers are not explicitly defined in British law, and there is disagreement about whether the judiciary itself is entitled to define or limit them. For this reason, Petra Schleiter and Thomas Fleming suggest it would be beneficial to clarify the legal basis and extent of the prorogation powers.[11] This might be possible to do now that Johnson is out of office and the prorogation crisis is some distance in the past. But if, at an early stage in the crisis, Parliament had moved to pass legislation defining and limiting prorogation powers, Johnson's supporters would probably have viewed this move not merely as attempt to limit the powers of a rogue prime minister, but as an attempt to defy the referendum result. Johnson felt he could pursue prorogation in the first

place in large part because there was a significant part of the British electorate that viewed the referendum result as the real source of Johnson's legitimacy.

In this way, the EU referendum created ambiguity about the source of democratic legitimacy.[12] During the prorogation crisis, two conflicting conceptualisations of representation were invoked. One tied the government's legitimacy to its willingness to abide by the referendum result, and the other tied its legitimacy to the results of the more recent general election. Legally, Parliament might be sovereign and entitled to interpret the referendum result as it saw fit, up to and including ignoring it or issuing a second referendum. But for a substantial part of the UK electorate, the idea of representation itself could only be properly conceptualised in relation to the referendum result. The referendum result was itself ambiguous, in so far as it was not clear whether the result was compatible with the UK continuing to have a close relationship with the EU after it left and, if so, what the nature of that relationship should be. Because the EU referendum was held by a democratic state that acts through representatives, Brexit could only happen if there were representatives in position to determine what Brexit ought to mean. Yet because so many MPs had opposed Brexit during the referendum campaign, it was difficult for Leave voters to trust Parliament to interpret the result faithfully. If Parliament is not regarded as trustworthy for the purposes of interpreting the referendum, the referendum can be used to directly undermine the legitimacy of Parliament.

Whether he deserved it or not, Johnson gained the trust of these Leave voters. By doing so, he provided a way for Parliament to defend its legitimacy in their eyes in the aftermath of the referendum. But because Johnson was perhaps the only person in possession of this trust, Parliament could only defend its legitimacy in the eyes of these voters in so far as it deferred to Johnson and allowed Johnson to speak for it. That kind of deference smacked of authoritarianism, not just from the perspective of the MPs themselves, but from the perspective of the voters who opposed Brexit. Many of these voters felt the referendum itself was illegitimate, because they opposed referenda in principle, because they felt the referendum was poorly worded, or because they felt the referendum campaign involved too much dishonesty. So, Parliament found itself in a situation where any action it might take on Brexit would strike substantial parts of the population as authoritarian or, at minimum, as inconsistent with the principle of democracy properly understood. Both sides believed themselves to be deeply and sincerely committed to democracy, and the more the government pulled in the direction of one understanding of democracy, the more the other appeared to have been vitiated.

The prorogation crisis clearly highlighted deep disagreements about the meaning of representation and democracy in the UK. But it did not produce an acute crisis. There was a lot of talk of a 'coup', at the time, but the Supreme Court ruled against the prorogation and Johnson was not able to dominate

Parliament. He has since faced a leadership challenge from the MPs in his own party and been sent packing. Yet the underlying factors that led to the prorogation crisis – the deep disagreement over the meaning and importance of fundamental legitimating abstractions – remain unresolved, and there is every reason to think other episodes of this kind are likely in the future. The crisis comes not from the possibility that these episodes will get worse, but from the fact that they now endemically disrupt the normal functioning of the state. It becomes too difficult for state actors to act, and when they do act, they very quickly become caught up in the game of deflecting resentment and relitigating the procedures. The result is a spiralling meta-conversation that paralyses the state.

Pitting Democracy's Advantages Against One Another

When subjects are in deep disagreement about the procedural form democracy should take, it is often because they value different things about democracy. Accounts that attempt to lay out the advantages of democratic procedures often overlook these tensions. For instance, in their 2009 book, Douglass North, John Joseph Wallis and Barry Weingast argue that representative democracy has two distinct advantages. First, democracies can make 'credible commitments' to their citizens.[13] These commitments can be 'credible' in one of two senses – the 'motivational' or the 'imperative'.[14] Commitments are motivational when those who have made them remain committed to honouring them because keeping their commitments aligns with their personal incentives.[15] In these situations, state actors are already motivated to keep their commitments – they committed to do things they would have wanted to do in any case – and in this sense their commitments are self-enforcing. Commitments are imperative when those who have made them have no choice but to honour them due to some form of coercion or disabled discretion. North and colleagues argue that democracies can make commitments credible more easily than authoritarian states because authoritarian states are 'personalistic'.[16] Authoritarian states are dominated by particular people whose promises only go as far as their power reaches and last as long as it lasts.[17] This makes it difficult for authoritarian states to commit to policies that last well beyond the power or lifespan of those making the commitments. They struggle to provide 'public goods', their courts are 'corrupt' and the benefits of legislation are distributed in a partial way.[18] By contrast, democracy's impersonal procedures can make more lasting commitments and they can ensure that the benefits of policy are distributed in a fair and consistent way, and in this sense their commitments are more credible. Impersonal procedures disable discretion, allowing for democratic states to more regularly make commitments that are imperative in character.

Second, North and colleagues claim that democracies are more stable in the long run because they are more 'dynamic'.[19] They permit 'competition' – because political parties must compete for power in competitive elections, those

in power must 'seek solutions to help them remain in power' while those in opposition are incentivised to 'expose the weaknesses of the incumbent's proposals and to devise more attractive alternatives'.[20] This enables democracies to generate new ideas.

These two features can be put in conflict with one another. In the chronic crisis, subjects politicise procedures that were previously depoliticised and taken for granted. State actors that push for politicisation may or may not be sincere. Some may genuinely believe that politicising procedures will expand their policy options, while others may have cynical motivations, hoping to deflect resentment and defend their careers. But in either case ordinary subjects buy into the procedural turn because they hope it is possible to modify the procedures in a manner that will finally allow state actors to implement the policies that are consistent with the subjects' preferred legitimation stories. In this way, these subjects are trying to make their democratic procedures more dynamic and adaptable. But politicising procedures often undercuts credibility, in so far as dynamism makes the state's decisions less predictable and its policies less consistent across time.

To further complicate matters, depoliticising procedures in the interest of making them more credible requires first politicising them so that they might be depoliticised. Consider the response to the inflation crisis of the 1970s and 1980s. High inflation during this period led to a crisis of confidence in the ability of elected officials to manage monetary policy. In response, many democratic states depoliticised monetary policy, handing it off to independent central banks. When subjects pushed for independent central banks, they pushed to remove monetary policy from direct democratic control, and in this way, they attempted to depoliticise monetary policy by technocratising it. However, it is only possible to make central banks independent if the democratically elected representatives are themselves willing to technocratise monetary policy. This means that to depoliticise monetary policy, it is necessary first to politicise it, to make the central bank's status a high-priority political issue. So, when I say that in chronic legitimacy crises procedures are politicised, I am including cases in which this politicisation occurs for the purposes of depoliticising. In response to the crisis of the 1970s, these subjects politicised monetary policy for the purposes of depoliticising it. Only through politics can we depoliticise, and therefore what is depoliticised always remains potentially subject to repoliticisation. Depoliticisation is self-restraint on the part of the state, rendered credible through the very same political procedures the state is restraining itself from using to directly intervene in the depoliticised zone. So, to increase procedural credibility, the state must have the dynamism necessary to pursue procedural reforms that can credibly disable the dynamism that was used to make those reforms in the first place.

To flesh out the example, the independent central banks were mandated to maintain price stability, even if this meant adopting forms of monetary policy

that the legislature and the executive would not have otherwise embraced of their own accord. By depoliticising monetary policy, democratic states made their monetary policy appear more credible. This depoliticisation performed its function by disabling the discretion of elected officials, restricting their ability to use monetary policy for other purposes (for example, winning elections, fighting unemployment, supporting state investment and so on). In so doing, the set of policies that might be tried in crisis situations contracted. This means that in response to the crisis of the 1970s, the democratic system was made more credible at the expense of some of its dynamism going forward. In the aftermath of the crisis, it became impossible to restore the democratically elected representatives' control over monetary policy without first repoliticising the central banks, without first reopening procedural questions about how monetary policy questions are to be decided.

If the central banks were repoliticised and monetary policy were once again influenced directly by elected representatives, this would restore some dynamism, at the cost of some credibility. While subjects who have long objected to the technocratic character of the independent central banks would be excited by the possibility of a wider set of policy options, subjects who have come to rely on the central bank's procedures to reliably issue decisions in a predictable way would be much less confident in the government's monetary policy.

Meaningful disagreements emerge over whether various procedural reforms help or hinder democracy because under deep pluralism, subjects will not agree on whether we should increase dynamism at the expense of credibility or increase credibility at the expense of dynamism. In practice, it will often be difficult to get the benefits of both dynamism and credibility at the same time. Procedural reforms can improve the capacity of the state to produce one of these virtues, but often at the expense of the other. Some situations call for dynamism and some call for credibility, and no set of democratic procedures is likely to perfectly produce each of these virtues on demand. Now and then, any set of democratic procedures is likely to fall short in one of these areas because it was designed too much with the other in mind.

There are also multiple varieties of dynamism that can conflict with one another. When we make it easier to elect a new government, we do not necessarily make it easier to implement new policies. If it is very easy to vote out the government, the government becomes skittish about taking policy risks.[21] In the American system, where the House of Representatives is up for election every two years, members of the House worry a lot about the electoral consequences of their voting decisions. In the UK, where there is often five years between general elections, members of Parliament are much more secure. They can take bigger policy risks, especially early in their terms, because they know it will be a while before they can be replaced. There is a short-run dynamism, which is focused on expanding the policy options of the sitting government,

and there is a long-run dynamism, which is focused on preserving democracy's ability to change the government outright.

In trying to create democratic procedures that can deliver on these different, conflicting procedural values to the right degree at the right moments, democracies adopt procedures that malfunction in distinctive ways. We have already discussed the gridlock that occurs when there is a lack of short-run dynamism, when procedures appear to subjects to obstruct certain necessary policy reforms from being implemented. Subjects who believe these policy reforms are necessary come to believe that they cannot win politically unless and until they remove the procedural blockage, and that induces them to become absorbed with procedural reforms. Conversely, tyranny occurs when there is a lack of long-run dynamism, when particular individuals or groups accumulate so much ability to dictate policy that they themselves become difficult to remove. When this happens, the resentful begin agitating for prioritisation of procedural reforms that they believe impose meaningful checks on the tyrannical actor(s).

In trying to break gridlock, we increase the risk of tyranny, and vice versa. To break gridlock, some part of the state must be given enough power to overcome the other parts of the state that are in the way. But this potentially allows this empowered part of the state to go on empowering itself. To reduce the risk of tyranny, some powerful part of the state must be reduced in power to the point at which it can be checked by other parts of the state. This balance of power allows for impasses and for gridlock.

For example, term limits are a procedural reform that is used to combat tyranny. Ending the filibuster is a procedural reform that is used to combat gridlock. Term limits reduce the power of particular state actors to dictate which policy reforms will or will not be enacted, making it easier to remove them and inject new blood and new ideas into the democratic system. By contrast, ending the filibuster makes it easier for legislators to enact policy reforms around which there is less political consensus, widening the array of policy options available to the legislature and in the process making the legislature stronger and harder to stop.

Sometimes, gridlock and tyranny interact with each other. For instance, why in 2009 was President Obama unable to add a public option to the Affordable Care Act? Some argued that the Senate filibuster overly restricted the legislature's ability to act, producing gridlock.[22] At the same time, there were others who argued that the healthcare sector had too much influence over the legislators, and that without campaign finance reform the sector would remain too powerful to surmount.[23] These people were arguing that the healthcare sector had what amounted to a de facto veto over the kinds of healthcare policy the legislature could pass. They were, in effect, accusing the healthcare sector of exercising a kind of informal tyranny over healthcare policy, suggesting that the electoral procedures produced a malfunction in the electoral system, enabling

concentrated private wealth to subordinate state actors to private interests. It is possible that both of these things were decisive factors. Maybe the legislature would have overcome health industry objections if it had been able to end the filibuster. Maybe if the health industry had less political power the legislature would have been able to produce a filibuster-proof majority. Maybe both procedural reforms were necessary for the public option to pass. The same person can emphasise both issues in the same account of the public option's demise.[24]

Conflicts between dynamism and credibility and between long-run and short-run dynamism are never discussed in *Violence and Social Orders*. Perhaps because North and colleagues subscribe to a legitimation story that explains democratic decisions by appealing to the capacity of democracies to make decisions that draw on the procedural virtues of dynamism and credibility, they are disinclined to notice tensions between or within these qualities. A state that claims to be both credible and dynamic is a state that is really telling at least two different, conflicting stories at the same time. On top of this, it is possible to conceptualise these terms in multiple conflicting ways, as we do when we associate 'dynamism' with both the short-run and long-run varieties. Even a minimalist account of democracy focused around procedural values will therefore involve impersonal hypocrisy. A legitimation strategy based exclusively around North and colleagues' account would include multiple conflicting legitimating abstractions that can be conceptualised in multiple conflicting ways.

In a chronic crisis, where the procedures have been politicised by subjects and state actors who understand democracy in different ways, it will not be possible to agree on a set of procedures that balances or combines these understandings in a stable way. Instead, whenever democracy displays one of these qualities, it will do so by, in the eyes of some subjects, failing to display some other quality that is even more important. When the disagreement is sufficiently sharp, these subjects will feel that the failure to display the value that is important to them is evidence of a lapse into authoritarianism. The depoliticised central bank does not appear to be merely a procedure that emphasises credibility at the expense of dynamism, but a technocratic distortion of democracy or even an authoritarian usurpation of the people's role in economic policymaking. Conversely, a repoliticised central bank does not appear to be merely a procedure that emphasises dynamism at the expense of credibility, but an attempt by the political actors in question to commandeer the economic system for their own political ends, an authoritarian state takeover of the economy. In the name of realising the potential of democracy, democratic subjects advocate procedures that strike their opponents as authoritarian.

In an embedded democracy, there is too much disagreement about the meaning of democracy to avoid periods of crisis and procedural contestation. That said, the shared commitment to democracy does prevent political actors from advancing procedural reforms that appear straightforwardly authoritarian

to subjects across the board. Reforms that flagrantly violate all or nearly all conceptualisations of democracy that we find in our embedded democracies (for example, abolishing Parliament and restoring the power of the monarchy) remain credibly off the table, even if some reformers think such reforms might facilitate their substantive policy ends. This makes the question of whether a particular procedural reform 'fits into' democracy politically relevant and tractable, with political actors attempting to weaponise the concept of democracy to police the boundaries of acceptable reform proposals. In crisis politics, there is no procedural consensus beyond the thin consensus that the state must remain democratic. If it is not possible to agree on what democracy means, often the limits of procedural reform will be fixed not through a shared positive conceptualisation of democracy, but by negative conceptualisations of authoritarianism. But even our conceptualisations of authoritarianism can differ sharply from one another.

Pitting Authoritarianism's Disadvantages Against One Another

Sometimes, instead of telling a positive legitimation story about how the state realises the potential of democracy, we tell negative legitimation stories about how the state protects against authoritarianism. But just as we can understand democracy and democratic values in conflicting ways, the same can be said of the way we understand authoritarianism. When some subjects worry about authoritarianism, they straightforwardly worry about tyranny, about some particular person or group or branch of government gaining so much discretionary power that they become impossible to stop. But other subjects worry about authoritarian systems where no particular person or group of people have much power. In these systems, impersonal incentives supervene upon individuals and groups, compelling them to obey structural imperatives. Impersonal authoritarianism isn't tyranny, because it does not require a tyrant. It is totalitarian rather than tyrannical, and it functions mainly by disabling discretion in wide, sweeping ways.

If subjects are worried about tyranny, they try to decrease the power of particularly strong individuals and groups. They do this by creating sets of impersonal rules that circumscribe the would-be tyrant's behaviour. These rules transfer power from particular people to impersonal systems. They combat the threat of tyranny by making the system stronger than the people who participate in it. Conversely, if subjects are worried about totalitarianism, they try to increase the power of individuals and groups to change structural incentives. This means giving particular people more autonomy from impersonal systems, and that means giving them powers that the system is unable to check. Subjects combat the threat of totalitarianism by weakening the system and strengthening the actors who participate in it.

This means that in the name of defeating tyranny, we enact reforms that look totalitarian to other people. In the name of defeating totalitarianism, we

enact reforms that look tyrannical to other people. If you worry about the possibility that Donald Trump might become a tyrant, you might want to regulate the internet in such a way that his message cannot get out. In doing this, you increase the power of an impersonal regulatory system to check the power of a particular individual. But if you aren't worried that Donald Trump might become a tyrant, you might instead be very concerned about a totalitarian takeover of the internet by an impersonal state bureaucracy or by transnational corporations like Meta. The more you try to stop tyranny, the more you appear to be totalitarian, and the more you try to stop totalitarianism, the more you appear to favour tyranny. In both cases, you look authoritarian even though you are trying to fight authoritarianism.

When we come closer to achieving full legitimacy, these problems are avoided. When we agree not just on democracy as a system, but on a particular set of democratic procedures, we do not negotiate these questions about whether our procedures should be dynamic or credible, or whether we have enough electoral or policy dynamism. We do not worry very much about whether our system looks too close to tyranny or totalitarianism. As the historian Christopher Meckstroth argues, when we have a shared history of understanding democracy in a particular way, through a particular procedural schema, this shared history allows us to bracket these procedural questions and focus on substantive issues.[25] But as we move closer to minimal legitimacy, this historical consensus breaks down. When our shared understanding of democracy breaks down, we rediscover that we like democracy for very different reasons. The reforms we propose take democracy in very different directions, playing up some stories at the expense of others.

In sum, in the chronic crisis, the state's legitimation strategy becomes dysfunctional. Subjects want to restore the state's legitimacy by adopting procedural reforms to make the state live up to the legitimation stories they prefer. But in a chronic crisis it is put into sharp relief how many different legitimation stories are part of the state's strategy and how much these stories conflict with one another. Shoring up one story or set of stories will require procedural reforms that vitiate other stories or sets of stories, and the state cannot adopt all these different procedural reforms at once. It therefore cannot shore up all of its legitimation stories at the same time. Attempts to fix some of the stories further exacerbate gaps elsewhere, perpetuating procedural contestation.

The Temporal Ebb and Flow of Chronic Crises

There are two different sorts of intervals that are important to really understand how this kind of crisis feels. One occurs between episodes of crisis, and the other occurs between crises. During the first kind of interval, a crisis continues in the background even in the absence of episodes, while during the second kind of

interval the crisis ends and there is a period of stability, where the level of legitimacy moves towards full.

When Andrew Gamble discusses his 'structural crises', he typically frames structural crises as quite long, protracted things.[26] For Gamble, in the last hundred years there have been three distinct structural crises – those of the 1930s, the 1970s and the 2010s. The first of these begins with the stock market crash of 1929, the second begins with the floating of the dollar in 1971, and the third begins with the 2008 financial crash. All three go on for quite some time. Gamble does not call the crisis of the 1930s finished until 1945.[27] He does not issue a formal end date for the crisis of the 1970s, suggesting it dissolved at some point during 'the 1980s'.[28] And as his book's title suggests, Gamble is unsure whether the crisis of the 2010s will end or what its end might look like. But at the very least it is clear that for him we can be in a crisis for quite a long time, at least a decade or more.

During this prolonged period of procedural contestation, there are moments when the government will have to decide whether to accept or reject particular procedural reforms. These moments are not existential, but they are decision points that shape how democratic procedures will evolve. So, for instance, in Britain since 2008, there have been many procedural proposals that have risen to the top of the political agenda and been either accepted or rejected. These include alternative vote, Scottish independence, reforms to the Labour Party's MP and leader selection mechanisms, and most obviously Brexit. Each time, British procedures were asked to make determinations about how, going forward, British procedures would make determinations. These decisions brought a level of resolution to immediately pressing procedural questions, but they did not end the period of procedural contestation.

Some of these procedural questions felt more pressing than others, because some procedural reforms were more controversial than others. Procedural reforms are perceived to be 'controversial' when significant numbers of people believe they would distort democracy, that they would create further problems in some of the legitimation stories those people take to be important. Not every episode of crisis is highly controversial, because not every procedural reform inspires the same level of anxiety. Brexit generated a lot more excitement than did the debates over the Labour Party's internal selection rules, but both are procedural reforms and both might be said to count as episodes of a chronic crisis, particularly when the decisions regarding these procedural reforms occur in near proximity.

The British state is not issuing decisions about accepting or rejecting procedural reforms every moment of every day, but it is existing in a period in which these questions come up a lot. The gaps between decisions are still periods in which the public is frequently thinking and deliberating about procedural reforms, and so these intervals still take place during a political climate that is

meaningfully a crisis climate. It is a climate where procedural reforms are high on the agenda, even when some months or even years pass between episodes in which the state feels compelled to make public decisions about particular reforms.

A period of stability is very different, in that the procedures we have are only rarely questioned and the state only rarely feels compelled to issue decisions about whether to accept or reject particular procedural reforms. During such a period, the procedures begin to feel like they may never really change, and commentators are induced to speak of things like a postwar consensus, a liberal consensus, a consensus on the 'constitutional essentials' or 'basic structure', a consensus about what 'now and around here' legitimacy requires, or even an 'end of history'.[29] During a period of stability, we may start to feel uncertain if there will ever be another crisis, especially if the stable period goes on for a very long time. But states preside over too much pluralism to get away with this for very long. Sooner or later, some of the state's legitimation stories come into sharp conflict with one another, and the conflict becomes visible. If it proves intractable for long enough to push subjects to politicise the democratic procedures heavily, another crisis is bound to break out.

When a break between episodes goes on long enough, it gives the appearance of a return to stability. Gamble speculated that we might be recovering from the crisis of the 2010s in a lasting way beginning as early as 2013.[30] Colin Crouch wrote of neoliberalism's 'strange non-death' as early as 2011, arguing that while there had been a crisis post-2008, that crisis had not materialised much in the way of procedural reforms, and the pre-crisis procedures were largely intact and were likely to remain so.[31] When Crouch asked 'what remains of neoliberalism after the financial crisis', the answer he gave was 'virtually everything'.[32] But subsequent procedural showdowns in the mid-2010s, like Brexit, indicated that if the post-2008 crisis is an instance of a chronic legitimacy crisis, the early 2010s were a false dawn. It was easy for theorists to think the crisis might be over, because there is little that visibly distinguishes a 'long break' from 'stability' aside from the fact that during a long break there will still be lots of people like Crouch talking about the need for procedural reforms and pushing them up the political agenda. Indeed, in a chronic crisis, worrying that the crisis may have ended without the necessary procedural reforms is itself a means of making the kind of procedural reform demands that are so common in crises. To be sure, Crouch could agitate for procedural reforms during a period of stability. As a left-wing academic, he is the sort of person who would probably be dissatisfied with democratic procedures in periods of both crisis and stability. But the fact that Crouch was dissatisfied – and, more importantly, that his dissatisfaction could sell a lot of books – is a sign that there remained enough resentment to continue fuelling the chronic crisis.

How, then, can we tell when a chronic crisis has come to an end? Gamble does not really give us an answer to that question. If, as I have suggested, the chronic crisis is driven principally by resentment, it can only end when that resentment dissipates or is processed in some way. In the next chapter, we will explore some of the ways embedded democracies can try to overcome resentment. But, as we will see, many of the strategies for moving past resentment are complicated by the fact of deep pluralism. When the state manages to alleviate resentment for some subjects, this too often involves intensifying it for other subjects who prefer alternative forms of state action explained through alternative legitimation stories.

4

RESOLVING CHRONIC LEGITIMACY CRISES

This chapter discusses possible paths out of the minimal level of legitimacy. On a surface level, there are two ways out – the state can push towards full legitimacy, or it can fall into liminal legitimacy. But, in embedded democracies, falling into liminal legitimacy is ruled out. If liminal legitimacy is off the table, the crisis can only end by noticeably moving towards full legitimacy. To explore how this might be done, the chapter introduces and examines the work of Albert Hirschman and Robert Goodin.[1] The opening sections lay out their respective positions, connecting them to the account of the chronic legitimacy crisis laid out in Chapter 3. The two theorists help develop three end-games for the chronic crisis – solving, settling and sinking. When a crisis is solved, subjects succeed in getting the state to align with existing legitimation stories. When a crisis is settled, subjects adjust their attitudes to the state's behaviour. When solving and settling both prove unworkable, the crisis intensifies, and the state sinks even deeper into it. Each of these end-games is laid out individually, and permutations and variations on sinking, in particular, are explored.

Solving in Hirschman

Hirschman and Goodin are not straightforwardly interested in legitimacy crises. Both take a more psychological approach to political theory, looking at the factors that motivate the behaviour of individuals. Hirschman tends to focus on the way individuals interact with civil society organisations, like firms, clubs or political parties. He argues that subjects of organisations and firms deploy

voice and exit to resist deterioration.[2] When people exit, they leave an organisation or stop using a product. When people use voice, they express dissatisfaction and demand improvement. We can appropriate the distinction between voice and exit and apply it to legitimacy crises, associating 'exit' with a move towards liminal legitimacy, with exiting the political system, and 'voice' with pushing towards full legitimacy by demanding the state live up to its legitimation stories.

Hirschman argues that exit and voice work better when they are used together. For Hirschman, the threat of exit is important for making voice work. In a Koselleck-style legitimacy crisis, when the state does not listen to voice, it must worry about exit. To pre-empt the acute crisis, the state must respond to voice in the latent phase. If it is not possible to slide down into liminal legitimacy, this removes the credible threat of revolution or revolt, taking exit off the table. This weakens the subjects' ability to use voice to demand that the state live up to its legitimation stories, making it harder for them to demand that the state make a push for full legitimacy. In this way, the fact that in embedded democracies liminal legitimacy is off the table makes it harder for the state to maintain full legitimacy rather than easier.

Hirschman's account has a key limitation. Hirschman always focuses on improving the effectiveness of the response to disappointment for the purposes of rectifying it. In this sense, his theory is concerned principally with 'solving', it is not about adjusting expectations and accepting new conditions. In our parlance, Hirschman's theory can be used to frame how subjects try to make the state act in accordance with existing legitimation stories, but it cannot be used to frame how the stories themselves might be revised. If the state cannot act in a manner that shores up its existing stories, it can endeavour to change the stories, to tell new stories that reframe its actions in a more acceptable light.

We can see the effects of this focus on solving in Hirschman's discussion of 'loyalty'. For Hirschman, when a person is loyal, that person puts off exit because of a strong commitment to the product they buy or the organisation of which they are a member. In situations in which loyalty is prevalent, people are more likely to use voice rather than exit.[3] This is because as disappointment sets in, loyal customers and members will use voice and threaten exit, but actual exit will be delayed until there is enough disappointment to overcome loyalty. Correspondingly, customers and members who are not especially loyal will exit much earlier, making less use of voice along the way.[4]

This is conceptually useful in a sense – in an embedded democracy, there is intense loyalty to the political system, and this makes subjects much more reluctant to attempt to exit. But notice how for Hirschman, even loyalty is understood in terms of the role it plays in solving – it influences the tactics we deploy in our efforts to turn back disappointment. When loyalty is present, it encourages voice, and when loyalty is absent, it encourages exit. In Hirschman's

work, the presence of loyalty always implies the threat of disloyalty – of exit if there is no response to voice.[5] Loyalty delays exit, but it does not preclude it.

Even in Hirschman's discussion of public goods, loyalty is presented as a mechanism for solving. For Hirschman, 'public goods' are cases in which full exit is impossible, because one is both a producer and consumer of the good in question. The state is a public good in this sense – as citizens, we contribute to its decisions and carry them out, but we are also subject to its decisions and rely on the services it provides. Partial exit is still possible from this kind of organisation – we stop participating in politics, by withholding the vote or by quitting our political organisations. But unless we physically emigrate, we are still subject to the state's decisions and to the quality of the services it provides.[6] Even when Hirschman considers these cases, his focus is around the possibility of using partial exit as a solving technique. Hirschman suggests that loyal politicians and civil servants often imagine they can do more good by staying in dysfunctional political parties or governments than they can by leaving.[7] He homes in on the state itself in a 1978 article, but even there he concentrates on the role exit can play in problem-solving. He focuses on capital flight and emigration as exit mechanisms that might still push the state to change its behaviour and solve problems.[8]

So, for Hirschman, people move from voice through to exit at a rate that depends on the amount of loyalty they have. But there is an alternative to this – subjects might instead deproblematise the conditions. They might change their attitude to the state's behaviour. This is where Goodin and settling come in.

Settling in Goodin

Goodin tends to focus on individuals' personal lives – on their relationships, works and projects. He is more metaphorical than Hirschman, writing about how individuals must make difficult choices about where to distribute their energy. In some areas they can 'strive', that is, expend energy attempting to bring about change, but only by choosing other areas in which to 'settle', that is, accept extant conditions as they stand. We can appropriate Goodin's notion of 'settling' to offer an alternative to voice apart from exit, suggesting that while a chronic crisis might be 'solved' by using the voice techniques Hirschman highlights, it can also be 'settled' in Goodinian fashion. Settling is a way of moving towards full legitimacy by changing our attitudes instead of revising the state's policies and procedures.

Goodin catalogues many different forms of settling. For our purposes, the most important of these is his notion of 'settling for', in which a person makes do with their situation, accepting it as 'good enough'.[9] Goodin points out that it is necessary for people to settle in some areas to strive in others.[10] If subjects do not accept their political and economic situations to some degree, they cannot have the stability they require to pursue non-political life projects.[11]

Hirschman suggests there needs to be a 'reserve of political influence' to enable subjects to use voice.[12] Goodin makes this clearer – to have this reserve, subjects must often settle for their existing political arrangements. To successfully engage in solving techniques, those techniques must mark a break from another state of affairs – they must be a deviation from settling.

Goodin discusses when and why people switch between settling and striving. He gives several reasons why someone might suspend striving in favour of settling. He thinks people should settle when it becomes clear that they are not going to get what they have been striving for, when they discover new facts about their chosen project that make it less appealing than it originally seemed, when something else of greater importance prevents them from pursuing their current project and this new project concurrently, or when they have run out of time, either on a time-sensitive project or due to the shortness of their own lifespans.[13]

Goodin also discusses some cases in which it might be good to reconsider something upon which one has settled and potentially return to striving. When a person accomplishes something, they free up more energy for striving and can direct that energy towards areas of life that they previously considered settled.[14] When something significant changes in someone's life that potentially affects many of their settlings, they might check to see if those things should remain settled. Goodin offers as examples the effects of winning the lottery or losing one's money in a stock market crash.[15] However, Goodin also points out that life will often change slowly, with no clear-cut breaking point, and therefore it is wise to revisit and reconsider one's settlings periodically, even if there is no obvious reason to do so.[16]

Goodin describes 'settling for' as accepting conditions that, for Bernard Williams, breed resentment. He writes that settling for is 'a matter of making do', of settling for something that is less than everything. Indeed, Goodin writes that not only should we typically settle for less than everything we want, there are many situations in which we should settle for less than we deserve.[17] This echoes Williams's argument about feeling 'reasonable resentment' when the state is operating under a principle of equality that does not align with our own understanding of equality. When we are settling for less than we feel we deserve, we are liable to feel reasonable resentment about the fact that we are not getting what we deserve. But because we are settling nonetheless, that resentment is not driving us to strive politically for what we feel we deserve.

Over time, settling for less than we feel we deserve may affect the legitimation stories we affirm. If we do not act upon feelings of reasonable resentment, those feelings of resentment may dissipate over time, as we focus our energy and attention elsewhere. We may even actively revise our legitimation stories if we come to feel on a conscious level that it has become imprudent to continue believing the more ambitious, demanding stories we previously believed.

If these stories make us feel resentment without giving us any means of relieving that resentment through political action, we may come to view our own political values as liabilities and actively seek to diminish our psychological attachment to them.

In the ensuing sections, we will further develop the notions of 'solving' and 'settling' we have associated with Hirschman and Goodin respectively. However, in both cases, we will shift away from the more individualist analysis preferred by these authors in favour of a more holistic discussion. Rather than attributing 'solver' and 'settler' identities to particular people, this chapter will frame these things as energies within an embedded democracy and examine how they interact with one another. I will argue that attempts to 'solve' and 'settle' a chronic crisis tend to pull against each other, with attempts to settle making it harder to solve and vice versa. Indeed, attempting to solve a crisis tends to generate more settling energy, and vice versa, meaning that the solving and settling approaches tend not only to stymie one another but also to feed off each other. A codependent dynamic can develop, in which a vicious cycle of solving and settling behaviour deepens the chronic crisis instead of alleviating it. I will associate this codependent dynamic with sinking. At several points I will use the work of Francis Fukuyama to make the case that democratic procedural design can exacerbate the tendency for solving and settling impulses to interact in a manner that locks up the state.[18]

Further Obstacles to Solving

The lack of a credible threat of exit makes it difficult to use voice, but that is just the beginning of the trouble with solving. In Chapter 3, we discussed the concept of 'dynamism', the ability of political systems to adapt and change over time. In the absence of dynamism, democracy falls prey to gridlock, and a gridlocked democracy is one in which voice will not be able to accomplish much. But it is not obvious that all embedded democracies will be equally vulnerable to this. Fukuyama argues that some democracies are more vetocratic than others, in the sense that some contain too many veto points and are too easily subject to gridlock while others too closely resemble dictatorships.[19] He suggests that Britain might have a more adequate procedural balance while America and increasingly the European Union might be too vetocratic.[20] The implication here is that embedded democracies can vary in the extent to which they can become undynamic and unresponsive, and it is itself an important procedural question whether the particular embedded democracy has enough dynamism to respond to voice.

This debate about whether the political system is dynamic enough for voice to matter arises repeatedly during chronic crises. Consider for instance the internal debates that occur within Marxism between reformists, who believe it is possible to purify democratic procedures through reforms, and revolutionaries,

who believe democratic states to be inherently and irredeemably capitalist, so that only escalation of the crisis to the acute level can produce change. These debates become endemic because it is not self-evident to people who are trying to get the state to live up to their preferred legitimation stories that it can or will be made to live up to those stories.[21]

Hirschman highlights another obstacle to solving – the possibility of false party competition. He observes that in cases where market forces dominate and customers rely primarily on exit rather than voice, disappointment in the quality of goods and services provided by an industry may result in customers changing brands repeatedly while the total number of customers for each firm remains intact. In such a situation, the only way for firms to know about dissatisfaction would be voice, but because it is so easy to change brands, there is a prolonged period of experimentation and switching around, delaying any response.[22] Here competition still leaves the consumer with 'no real choice'. All the firms offer the same, poor-quality product. Hirschman applies this argument to democratic political systems, arguing that the ability of voters to defect from parties that disappoint them in favour of seemingly different alternatives acts as a safety valve, diverting solving energy into 'tame discontent with the governing party'.[23] He calls this 'competition as collusive behaviour'.[24] In this way, even where the constitutional procedures are not themselves vetocratic, the party system might thwart voice, and thus thwart solving.

Then there's another problem – loyalty to the regime type not only prevents exit and the threat thereof from inspiring reform, it also restricts the scope for those procedural reforms that do get on the political agenda. As Fukuyama puts it with respect to the United States:

> Many of these problems could be solved if the United States moved to a more unified parliamentary system of government, but so radical a change in the country's institutional structure is inconceivable. Americans regard their Constitution as a quasi-religious document, so getting them to rethink its most basic tenets would be an uphill struggle. I think that any realistic reform program would try to trim veto points or insert parliamentary-style mechanisms to promote stronger hierarchical authority within the existing system of separated powers.[25]

Here Fukuyama emphasises the 'quasi-religious' commitment to the Constitution – how deeply embedded certain democratic procedures are in the American understanding of what 'democracy' is. This makes it easy for opponents of procedural reforms to frame reforms to these procedures as corruptions of the Constitution. So even when there is a clear difference between political parties and one of those parties is committed to a suite of procedural reforms, that party's ability to deliver will be restricted by the ways in which loyalty to the

political system restricts the political imaginarium. This can be true even if in theory the procedures are not too vetocratic and there is a significant amount of dynamism in their formal structure. Loyalty will make subjects more reluctant to use the dynamism that is available to them. In this way dynamism that is retained de jure can be lost de facto, and procedures can shift from appearing dynamic to appearing excessively vetocratic without any alteration in their formal structure.

We have, then, identified a suite of different things that make it difficult for embedded democracies to solve chronic legitimacy crises. Loyalty to the democratic political system makes it much harder for exit or the credible threat of exit to be used, and it also restricts the political imaginarium, making it harder for subjects to use the procedural dynamism that is available to them. This dynamism, in turn, is also restricted both by vetocratic elements within the formal procedures and by collusive elements in the party system that make it difficult for resentful subjects to use political parties. In sum, in many cases subjects in embedded democracies cannot use exit, cannot imagine using voice to say many things, and cannot get state actors to say the things they can imagine they would like to hear. Even when one or more of the parties is able and willing to amplify their voices, they often cannot get legislation through their democratic procedures.

All these obstacles to solving are there even before we bring in the effects of pluralism. Because subjects affirm such a wide array of legitimation stories, they will sharply disagree with one another about why there is a crisis in the first instance. Subjects will tend to frame the crisis in terms of the legitimation stories they believe are important, and they will often be dismissive of alternative accounts. The procedural reformers will understand the crisis differently, they will want different reforms, and they will get in each other's way.

Problems with Settling

The main issue with settling is that it is terribly difficult to sort out when subjects will or should settle. Goodin argues that there are some 'easy answers', but his easy answers cannot be applied very easily to an embedded democracy in a chronic legitimacy crisis.[26] It is hard, in practice, for subjects experiencing a chronic legitimacy crisis to know that they are 'not going to get what they're striving for'. During chronic crises lots of different legitimation stories are invoked as the basis for reform. While it may be easy to say that any one of these stories cannot be politically realised, it is much harder to establish that none of them can. 'New facts' that cast doubt on one particular path out of the crisis may just redirect that solving energy down a different path. It is theoretically possible that 'something else' important could come up – a chronic crisis could be interrupted by a war, for instance – but this is surely not a resolution mechanic on which embedded democracies can or should rely. While time may

'run out' on an individual's projects because individuals die, political systems are not subject to the same biological time limits.

Goodin also considers when we ought to reconsider the things for which we have settled. But just as it is difficult to know when to settle, it is difficult to know when to reconsider what we have settled for. Goodin tries to make it sound easy. He writes:

> Obviously, once something you have been striving for has been completely and stably accomplished, it is time to go back to the things your previous settlings had put on hold and ask, 'What's next?' Equally obviously, when some big changes have suddenly occurred in your own life or in your surrounding environment, it is time to check whether things that you had previously taken as settled still should be so regarded . . . Such sea changes in one's own life or surrounding environment are relatively rare, however. Most of life is characterised by smooth functions, not sharp corners. Things get a little bit better, or a little bit worse, with each passing day.[27]

Three possible triggers are discussed here. First, we reconsider what we've settled for when some other task has been completed, giving us more energy for striving. Second, we reconsider what we've settled for when something big changes our whole situation. Third, we reconsider what we've settled for at arbitrary moments to account for subtle, non-obvious cumulative shifts in our situation. A chronic crisis might be framed as emerging from any one of these. A democracy could complete some other task, like a major war, and reopen domestic procedural questions it had long left closed. A chronic crisis might be kicked off by a 'sea change' event that shifts people's attitudes to the procedures, like a major economic shock. But a chronic crisis is a long thing, and while it might be kicked off or punctuated by sea change events, the intervals that occur within crises between episodes are very much like the 'smooth functions' Goodin describes, in which things subtly change in ways that are difficult to detect or evaluate. It is hard to know if things are going in the right direction and there will be plenty of disagreement about what the right direction involves, anyway.

Given all these sources of uncertainty, Goodin suggests we reconsider things at arbitrary points. He gives examples that most straightforwardly apply to the individual, like New Year's Day or birthdays:

> It will always be slightly arbitrary which moment is picked out, if one really is much like any other. But if there is any strong reason to think that changes cumulate rather than cancelling one another out over time, it is not at all arbitrary to adopt those mechanisms forcing occasional

> reconsideration at arbitrary moments. New Year's reflections and resolutions work like that. So do 'big birthdays'. In one way, both are exercises in slightly silly numerology . . . Still, however arbitrary, such temporal markers provide a useful occasion to take stock and . . . reconsider whether it is still a good idea to strive for what you have been striving for and to settle for and on what you have been settling for and on.[28]

The equivalent in an embedded democracy would seem to be elections. These often occur at fundamentally arbitrary times, but they create an occasion for reconsidering the direction of the state. Referenda, when called, might also be thought to fill a similar role. But elections and referenda cannot provide the kind of clarity that an individual might experience on a birthday, because it is too easy for different people to differently interpret the results of an election or referendum. Even when an election has a clear winner, it is hard to know why people are voting the way they are voting. Sometimes the result is straightforwardly procedurally inconclusive, creating an unstable coalition government, a hung parliament, or divisions in the control of the legislature and the executive or in the control of a bicameral legislature. We cannot use elections as a neat and simple indicator of whether the society wishes to 'solve' or 'settle' the crisis, nor can we use them to establish whether the crisis has ended.

We can try to simplify things by looking merely at whether incumbents prevail. But even this does not tell. For instance, Andrew Gamble and Colin Crouch think that a post-2008 crisis may have ended in 2013 or 2011.[29] The re-election of incumbents like Barack Obama in 2012 (or, eventually, the election of David Cameron's majority government in 2015) might seem to suggest this. But subsequent events, like the Brexit referendum and the 2016 election of Donald Trump, show that it is very difficult to use elections as indicators of where we are in a crisis. A win for an incumbent does not mean a population is collectively ready to settle or that full legitimacy has been reached.

On a birthday, an individual can decide for themselves whether they are comfortable with their decisions about where to strive and where to settle. But because an election features so many voters making so many decisions for so many ambiguous reasons, it can never provide the same kind of clarity. This makes it extraordinarily difficult to determine through democratic procedures whether a particular approach to resolving the crisis is in fact moving the political system towards full legitimacy.

At the very end of his book, Goodin suggests another way of evaluating when to switch out of the settling mode:

> We could (and should, and I think probably typically do) keep a 'running tally' in the back of our minds of anomalies – that is, occasions upon which our settled practices have led us to do, think, or say something that

> does not seem quite right . . . No single one of those anomalies should worry us unduly . . . But once the running list of anomalies has grown too large . . . it is time to go back and rethink things afresh.[30]

It is hard to envision how a political system like a democracy could do something like this. There is no equivalent to the 'back of our minds' for the deeply multitudinous body of subjects. Even if individual voters keep such tallies, it is unclear how an election or any other democratic procedure would reflect or give voice to these tallies.

There are no obvious political analogues to any of the individualist mechanisms Goodin offers us. So, while Goodin's 'settling' approach does supply an alternative to Hirschman's solving (and to the use of voice), he does not supply an account of how settling and solving approaches interact at the political level. To properly answer the question of how a chronic legitimacy crisis comes to an end, we need a more convincing account of this relationship.

Sinking: When Solving and Settling Become Codependent

There are many obstacles to solving a chronic crisis and much disagreement about how a chronic crisis should be solved, and yet it is often unclear whether subjects should or will settle. For this reason, it is likely that a chronic crisis will not be solved or settled quickly. As the crisis drags on, three key things can further intensify it:

1. To win elections, political actors may highlight inadequacies in the state's legitimation stories and pledge to address them. This keeps subjects aware of problems with the legitimation stories, and it prevents subjects from settling, from adopting less demanding and less ambitious stories.

2. Attempts to solve the crisis may backfire, creating larger gaps in more of the state's legitimation stories, increasing resentment.

3. Attempts to settle may allow creeping problems to worsen. As conditions deteriorate, extant legitimation issues intensify, and new problems appear in other legitimation stories that were previously robust.

Political actors have strong electoral incentives to claim that they can solve the crisis – that they can bring the state's behaviour into alignment with its stories through either policy reform or procedural reform. The mere act of promising to solve the crisis creates an expectation that the crisis might yet be solved, discouraging and forestalling settling. Political actors who do not create hope that they might solve the crisis will struggle to compete with those who do. They will have a hard time mobilising voters.

When political actors who pledge to solve the crisis fail to get the job done, they disappoint their supporters. This leaves the gap between the legitimation stories and the state's behaviour bigger than it was before, generating resentment instead of dissipating it. This makes it unlikely that the solving attempt will be followed by anything more than a brief interval of settling. By creating expectations they have failed to meet, these political actors make settling harder even as they themselves fail to solve the crisis. So, instead of demonstrating the futility of solving, the solvers often induce subjects to search wider for more aggressive, innovative solutions.

To use an example – albeit one focused around policy reform rather than procedural reform – when he first ran for president, Barack Obama made vague pledges to solve the crisis of 2008, promising to deliver 'hope and change'. Obama's 2008 opponent, John McCain, expressed settler sentiments in 2008, claiming that the 'fundamentals' of the economy were 'sound'.[31] By framing himself as a solver, Obama elevated expectations for his administration, mobilising large numbers of voters to elect him. At the same time, he raised the fears both of the settlers who felt the American state lived up to its legitimation stories and did not need to reconfigure the economy and of the solvers who understood the economic problem differently and wanted different, conflicting reforms. These groups were mobilised to oppose policy reforms that fell well short of the aims of Obama's supporters. When Obama lost control of the House of Representatives in the 2010 midterms, his ability to pursue further reforms was thoroughly obstructed. From there, Obama's rhetoric shifted into a settler frame, as he attempted to persuade his supporters to settle for what he had been able to achieve. In his 2012 campaign, he sought credit for 'the recovery'.[32]

As Obama became a settler, his opponents sought support from those who remained resentful. The Republicans had strong political incentives to reframe themselves, to capture the support of those whose hopes Obama raised and then dashed. When Obama was a solver, they blocked his proposed solutions. When Obama became a settler, they adopted the solver language as their own. The Romney campaign, in 2012, said that Obama 'cannot change Washington', but while 'some cannot live up to their promises, others find a way'.[33] By 2016, Donald Trump was very explicitly promising to look after 'the forgotten', asserting that he alone could solve the country's problems.[34]

Of course, once in office, Trump swiftly began repositioning himself as a settler, bragging that the economy was 'stronger than ever before'.[35] He had to do this because his solutions immediately drew the ire of the settlers and of the solvers who understood the crisis in different, conflicting ways. They frustrated him, preventing him from solving, and this forced him to recast himself as a settler.

Electoral challengers have a powerful incentive to rhetorically frame themselves as capable of solving problems that incumbents cannot solve, and

incumbents have a powerful incentive to defend or explain the actions of the state with which they have become affiliated. This means that challengers are incentivised to whip up resentment while incumbents are incentivised to tone it down. Ordinarily, this would not produce any large-scale delegitimating effects. In stable politics, substantive policy issues are eventually resolved one way or the other, and electoral competition shifts its focus elsewhere. But if the substantive issues around which candidates attempt to construct solver movements go unresolved, electoral competition between incumbents and challengers will tend to intensify and prop up resentment rather than wind it down, encouraging a codependent dynamic. Parties and politicians will take turns promising to solve the problem and then failing to do so, each time leaving subjects more resentful than before. Solvers in government provoke the settlers and the other solving factions into blocking them, and the impasse frustrates rank-and-file supporters and inspires them to try again, and to try harder. The party system encourages and facilitates this codependency.

Perverse short-run electoral incentives encourage political actors to raise expectations for political gain, even at the cost of making it harder to extend their careers or legitimate the state in the long run. This upward drift in expectations is stronger when attempts at reform backfire. If expectations are already rising, backfiring solving strategies will widen the gap between the state's stories and the state's acts. If, for instance, Brexit not only fails to empower the British state to perceivably improve conditions but precipitates large-scale economic shocks that make things appear even worse than they were before, the actors and procedures associated with Brexit will have delegitimated the state not only by raising expectations but by further undermining the state's ability to deliver results that accord with its stories.

If British political actors believe that Brexit will backfire but that U-turning on Brexit will violate the expectations created by the referendum, they are caught between a rock and a hard place. They believe that the consequences of Brexit will make the legitimacy crisis worse. But if they do not carry on with Brexit, they disappoint the very expectations they created through the referendum, also making the legitimacy crisis worse. In the immediate aftermath of the Brexit referendum, many MPs tried to delay acting, hoping that the terms of Brexit might improve (reducing the risk of backfiring), and/or that the expectation that Britain would leave on unfavourable terms might dissipate (reducing the strength of the expectation that Brexit would take place). But even this strategy carried risks. Delaying taking decisions about Brexit and attempting to settle into a prolonged period where the future relationship with the EU was unclear protected British politicians from straightforwardly disappointing a raised expectation and from straightforwardly embracing a reform that could backfire. But the delay itself generated resentment in so far as the period of delay was unpleasant and frustrating. This interval slowly ate away at the

legitimation story in which Parliament was committed to representing the will of the British people as expressed through the referendum. In a chronic crisis in which politics is focused around procedural reforms, avoiding decisions about procedural reforms can itself exacerbate the feeling that the procedures are not working, that elected representatives cannot be relied upon to act in a manner consistent with the relevant legitimation stories.

In the British case, Boris Johnson was able to take advantage of the situation by claiming that Theresa May's Brexit deal was inadequate, that he alone could solve the crisis and push through a deal that aligned with the result of the referendum as understood by the Leave voters. Once it became clear that Britain could not dramatically improve the May deal, Johnson committed to settling for what he could get, framing his Brexit deal as good enough. By that point he was already prime minister, and his critique of the May deal had accomplished its near-term political purpose. But after Brexit, the Leave voters expect the British state to use the powers it obtained by leaving the European Union to shore up the various decaying legitimation stories that led to Brexit in the first place. If those powers prove unequal to that task, the crisis will further intensify, making it harder for any prime minister to sustain a large base of public support.

The three intensifiers are most deadly when they work in tandem with each other. Elevated expectations make it delegitimating to U-turn, anticipated backfiring makes it delegitimating to follow through, and frustration with settling intervals makes it delegitimating to delay a decision. In a chronic crisis, the state can be ensnared in a situation in which everything it does – including doing nothing – increases resentment. In these circumstances, it is as if the state were trapped in a legitimation tar pit. It sinks if it does nothing, and it may sink even faster if it tries to move.

This is the essence of sinking. When the state sinks, the chronic crisis gets worse even when the state does nothing, and whenever the state acts, its action only further widens gaps between the state's acts and its stories. When the state is sinking, the procedural reforms states attempt to make during episodes of crisis are unsuccessful. Sometimes the state is unable to enact them. Sometimes, once enacted, the reforms fail to shore up the legitimation stories. Sometimes, the reforms shore up some legitimation stories at the expense of others, creating new resentments that outweigh those they relieve. The ordinary, run-of-the-mill policy reforms states pass or attempt to pass during settling intervals fare no better.

Loyalty, Embeddedness and the Possibility of Exit

If solving blocks settling and vice versa, and the two feed off each other in a codependent relationship that gradually vitiates the legitimacy of the state, the state must either die and be reborn, slowly become something else, or find a

way to live without legitimacy. These are the three possible end-games for a chronic legitimacy crisis that has become ensnared in sinking:

> 1. The level of resentment becomes so intense that the loyalty subjects feel to democracy is overcome. The possibility of exit returns, and an acute crisis ensues. The state dies and is born again.
>
> 2. The procedural reforms the episodes of crisis produce gradually transform the democracy beyond recognition in ways that may not be anticipated ex ante. The state slowly becomes a different state with different subjects whose expectations are perpendicular to those of the subjects extant at the onset of the crisis. The state's legitimation strategy shifts.
>
> 3. The crisis goes on for so long that the reserves of political energy necessary to sustain crisis politics are exhausted, breaking the ability of subjects to continue demanding anything from the state and permitting it to exist in the absence of legitimacy.

This section focuses on the first of these three outcomes. It must be acknowledged that the most straightforward response to continuously rising resentment would be for that resentment to overcome the intense loyalty to democracy that is emblematic of embedded democracies, enabling the crisis to escalate to the acute level. This is certainly what Hirschman's book – written in the twentieth century – would suggest. While Hirschman admits that barriers to exit may delay the point of exit, he still thinks it must remain on the table. At one point, Hirschman discusses organisations that impose a high price for exit, that heavily punish members who try to get away. If the state does not impose a high price for exit, I am not sure there is an organisation that does. Of this case, Hirschman writes that 'the main change in members' behaviour . . . under conditions of progressive deterioration is likely to be the omission of the threat of exit rather than the postponement of exit itself'.[36]

In embedded democracies, there is no 'immediate' threat of exit. But after a lengthy period in which loyalty to democracy is subject to attrition, exit could come back into play. While there might not be any credible regime alternatives at the beginning of a chronic crisis, the experience of the crisis causes subjects to begin to develop new legitimation stories, and some of these legitimation stories may seem more compatible with alternative political systems. If these theories catch on and begin to look plausible, subjects may attempt to adopt them, exiting democracy in favour of some other political system.

David Runciman discusses the possibility that subjects might embrace 'something better', considering 'pragmatic authoritarianism, epistocracy, and liberated

technology', but he ultimately argues that democratic embeddedness runs too deep.[37] He writes:

> One hundred-plus years of democracy may have uncovered its failings but they have also taught us that we can live with them . . . we now know what we know, not just about democracy's failings, but about our tolerance for its incompetencies.[38]

For Runciman, democracy is simply not capable of generating enough concentrated resentment to overcome subjects' loyalty to it. Governments change too quickly, and subjects are too likely to take superficial changes in government to be meaningful. For Runciman, 'so long as voters are willing to see a victory for one side or the other as a win for them personally, democracy can keep functioning'.[39]

While the next government may create new resentments by making new promises it cannot keep or change the distribution of resentment instead of dissipating it (by favouring some subjects' legitimation stories at the expense of others), in the short run democracy always offers the hope that the next election will deliver a government that can provide the real solution, or at the very least that the next election will change which legitimation stories the state emphasises, shifting some of the resentment off you and onto somebody else. And all the while, different political actors will keep insisting that they have the solution and would implement it, if only our democratic procedures were tweaked a little to create the dynamism necessary to get it done.

Even in a chronic crisis, democracy continues to provide electoral dynamism, and this enables it to survive its creeping inability to provide policy dynamism. Chapter 3 described two kinds of dynamism – one that protects against gridlock, and one that protects against tyranny. Embedded democracies may be too gridlocked and vetocratic to find the solution to the crisis – if there is a solution out there in the first place – but they remain protected from tyranny. As soon as one political actor's solving efforts are exhausted, democracy will find another one to save itself from the last one. There are always more naïve solvers who think that they alone can solve, if only democracy would give them a chance. Democracy retains the electoral dynamism to let them all try, even if it lacks the policy dynamism to enable any of them to succeed. For this reason, solving strategies are likely to continue to be pitched as means of purifying democracy rather than as devices for replacing it, even if the crisis goes on for a very long time.

But this does not mean that democracies will never pass any procedural reforms. Some reforms will get through, even if those reforms fail to solve the crisis. These reforms still matter, in that they create new forms of path dependency for democracy. They can gradually corrupt or purify democratic procedures by

changing how dynamic these procedures will be going forward, and they can gradually create brand new legitimation stories, shifting the legitimation strategy in a perpendicular fashion. This brings us to the second outcome, the legitimation shift.

Perpendicular Shifts in Legitimation Criteria

Many democratic theorists worry about 'norm erosion' or 'executive aggrandisement', in which our democracies deal with their gridlock by enacting procedural reforms that gradually permit some form of tyranny.[40] In these accounts, the change happens slowly, in a manner that makes it difficult to tell when precisely the democracy decisively lost its electoral dynamism. Describing these theories, Runciman puts it well:

> Whatever happens, there will be no agreement about what has really happened . . . One side sees a coup. The other side sees democracy working as it should . . . Trump came into office on a promise to abandon NATO if it didn't start relieving America's burdens. The soldiers who help run his administration persuaded him otherwise. Does that mean democracy has been subverted by unelected powers? Or is it a sign of democracy working as it should because the president's will has been moderated by the forces of restraint? There can be no answer to that question that satisfies all sides.[41]

But there are other ways democracies can slowly alter themselves over the lifespan of a chronic crisis. For instance, the sociologist Wolfgang Streeck argues that democracy responded to the crisis of the 1970s by relocating economic power from the democratic nation-states to the technocratic central banks and supranational organisations of which those states are members. On this telling, domestic political actors responded to the crisis not by aggrandising themselves but by ceding power. In doing so, they 'degraded' the citizens' 'political resources' by wedging them 'within the boundaries of a national democracy' that was increasingly 'mediatised' by supranational structures.[42]

On this account there is still plenty of electoral dynamism at the level of the nation-state. It is possible for elections to replace the national governments. But these national governments have increasingly lost control of macroeconomic policy, because they are subject to a supranational political system that is static and unmoving. The authoritarianism is alleged to operate at the supranational level rather than the national level.

By ensuring that economic policy does not change, the supranational political system preserves policy credibility. At the same time, competitive multi-party elections at the national level continue to preserve electoral dynamism, and in so doing they preserve a democratic façade. Streeck laments the loss of domestic

policy dynamism in the realm of economics, arguing that it ought to be restored, even at the expense of credibility.[43]

Streeck's proposal – that power be taken back from the supranational organisations and restored to the nation-states – is a proposal to change the trajectory of procedural reform to halt the erosion of dynamism and, where possible, to restore dynamism and democratic responsiveness. There are other forms of reform that pursue similar aims by different means. Many democratic theorists focus on pursuing equality of political participation and therefore on making the national democratic procedures fairer, more responsive or more inclusive.[44]

These strategies, however, pull against each other. If Streeck is right, and dynamism has been lost because the nation-state has been disempowered, reforms to nation-state democratic procedures cannot restore responsiveness because decision-making power has been relocated away from them. Beyond this, such reforms can backfire in ways that diminish what remains of dynamism at the national level. Reforms that attempt to make the political system fairer often endeavour to do so by distributing power more widely, making procedures more vetocratic and reducing policy dynamism.[45]

There are, then, at least three different ways in which democratic procedures can evolve over time in response to sinking:

1. In a bid to increase policy dynamism, political actors may engage in executive aggrandisement and norm erosion, reducing electoral dynamism and increasing the risk of tyranny.

2. In a bid to restore credibility, states might abdicate decision-making power to supranational bodies, sacrificing policy dynamism while preserving electoral dynamism at the national level. Future policy reformers are then blocked by the supranational system to which their predecessors in government abdicated powers, yielding gridlock.

3. In a bid to increase policy dynamism and responsiveness, political actors may attempt to restore powers previously given away to supranational bodies and/or distribute their remaining powers more widely. The former option diminishes credibility, while the latter option makes procedures more vetocratic, reducing policy dynamism and generating gridlock.

Each of these trajectories of procedural reform is a form of procedural drift, in which the state takes on a fundamentally different character. The democracy rebalances credibility and dynamism or electoral dynamism and policy dynamism. These forms of drift may appear to purify or distort democracy,

depending on which particular legitimation stories one believes. But all of them will change the form of democracy in some way. These changes in the form of democracy will alter the way subjects understand 'democracy'. Over time, changes in the understanding of democracy affect which legitimation stories work, and this reshapes the state's legitimation strategy.

This change in legitimation strategy differs from the downward shift in expectations that is characteristic of settling. Where settling involves accepting less ambitious stories, these changes in the legitimation strategy do not necessarily diminish the demandingness of the stories. Rather, they change the form of the strategy, making expectations different rather than lower. In this way, they represent a perpendicular shift in the strategy. As democracy comes to mean something new, the expectations subjects have for the state come to be defined in new and different ways, such that many old legitimation stories become less relevant.

From the point of view of subjects who hold onto the legitimation stories that prevailed before the reforms set in, this transformation in the legitimation strategy would appear to be a form of distortion or corruption. But the transformation in strategy can be slow enough that by the time it is noticed it is too far advanced to reverse. Too many subjects may be ready to accept the stories that comprise the new strategy by the time those subjects who reject the new strategy take notice or take action.

That said, it is also possible that this alternative legitimation strategy fails to establish itself, leaving the state both unable to escalate the legitimacy crisis to the acute level and unable to shift its legitimation strategy through procedural drift. If that happens, the state attempts to persist without legitimacy. We will discuss that outcome in Chapter 7. But first, let us take a closer look at how legitimation stories change during legitimation shifts.

5

THE LEGITIMATION HYDRA

To understand what it means for the state's legitimation strategy to shift, we must go deeper into the structure of legitimation stories. In Chapter 2, we introduced the notion of a 'legitimating abstraction', a value that is invoked to explain the state's action. It is absolutely critical that these legitimating abstractions sound nice, but have no obvious essential meaning. Vagueness and imprecision are advantageous, provided they do not diminish the appeal of the abstraction. When the abstraction is vague, it spawns large numbers of conceptualisations, and this allows the state to avoid staking too much on any one specific story involving the term.

A theorist like Slavoj Žižek might refer to these abstractions as 'sublime objects of ideology'.[1] But we do not need to adopt Žižek's Lacanian psychoanalytic framework to take the point that legitimation stories often turn on the meaning of core abstractions. Recall that for Robert Dahl, beliefs about 'equality' become 'firmly embedded in the political culture'.[2] They have a certain 'axiomatic quality'. Because, for Dahl, the middle classes have 'used' 'principles of equality' to 'justify' their entry into the political system, the need to live up to these principles 'narrows' the options available to the state 'down to a very much smaller subset'.

'Equality' is very clearly one of the legitimating abstractions around which legitimation stories can be built. But notice how Dahl uses the plural. Dahl says the middle classes used 'principles' of equality, not 'the principle of equality'. The idea of equality is vague enough and imprecise enough that it can give rise

to many different principles of itself. These different principles of equality give rise to different equality-involving legitimation stories. All of these stories draw their power from the same legitimating abstraction, and in this sense, they are in the same legitimation genus.

'Equality' is just one of the legitimating abstractions that can be used. Liberal legitimation stories will often make use of 'liberty' or 'freedom'. 'Representation' has seen a lot of action. This liberal triad – liberty, equality and representation – has in the past worked well as part of a liberal legitimation strategy. But even liberal states and liberal political actors do not exclusively make use of the liberal triad.[3] There are still legitimation stories – many medieval in origin – that draw on 'God'. Then there are ancient legitimation stories focused on 'the good', or 'order', or 'justice', or 'prosperity', or 'nature', or 'peace'. Historians of political thought sometimes explore ancient legitimating abstractions in their original languages, focusing on ideas like *isonomia* or *auctoritas*.[4] Then there are the procedural values we discussed in previous chapters, like 'dynamism' and 'credibility'. There are a great many terms that have operated as legitimating abstractions in different times and places.

The particular legitimating abstractions that do the bulk of the work change over time, but there always seems to be a need for them. So, to put it precisely, legitimation stories take the following form:

> State Action *X* is justified by Legitimating Abstraction *Y* understood via Conceptualisation *Z*

For any given state action, there can be disagreement over whether it is legitimate, which legitimating abstraction makes it legitimate, and which conceptualisation of which legitimating abstraction makes it legitimate. The state does not mind the second and third types of disagreement. They are vastly preferable to the first kind of disagreement. They are a small price to pay to avoid that first kind. This means that it is often in the state's interest to introduce abstractions and conceptualisations that will foster benign forms of disagreement, provided that these benign forms of disagreement crowd out – rather than contribute to – the dangerous kind.

When the state faces a legitimacy crisis, and its legitimation strategy is in disarray, salvaging the stories that are in trouble requires doing something to align the state's action with its stories. Doing something requires some level of policy dynamism. Doing something often requires resources and state capacity that may be in short supply. Doing something risks disrupting the legitimation stories that are still working. In cases where the state is sinking into a legitimation tar pit, many of the courses of action that are open to it will worsen the legitimacy crisis.

Instead of trying to solve or settle the crisis, the state can attempt to generate altogether different legitimation stories in an effort to shift its legitimation

strategy. It can do this either by introducing new legitimating abstractions or by introducing new conceptualisations of existing abstractions. It is much simpler to introduce new conceptualisations. New conceptualisations borrow valour from existing legitimation stories. When theorists invent new principles of equality, they benefit from the strength of commitment to stories about older, different principles of equality. By staying in the same legitimation genus, it is easier to induce subjects to believe the new stories. A fox looks enough like a dog that you might let it through your door.

But in severe legitimacy crises, this is not sufficient. When legitimacy crises get deep enough, new legitimating abstractions must be introduced for the shift to work. These new legitimating abstractions are more likely to disrupt existing stories. In the eighteenth century, the part of the population that believed in stories featuring 'God' and 'nature' was not altogether keen on a legitimation shift in favour of 'liberty' and 'equality'.

The 'conservative' part of the population is the part of the population that resists legitimation shifts. It often resists efforts to change conceptualisations, and it very nearly always resists efforts to introduce new legitimating abstractions. For this reason, it is harder to introduce new legitimating abstractions, and in some cases new legitimating abstractions will not take without an acute crisis to overcome intense conservative resistance. Whether in any given situation the conservatives are right to resist depends on one's view of the stories that are affected by the shift.

The less the state's legitimation strategy depends on any particular story, the easier it is to revise the strategy by introducing new conceptualisations and new legitimating abstractions. A fully fledged, fully operational legitimation strategy is a 'legitimation hydra'. If you attack one of its composite stories, it effortlessly discards the conceptualisation on which that story was based and constructs multiple alternative conceptualisations. A legitimation hydra is anti-fragile in the sense that when you attack the state's legitimacy, this only propels the state to develop a more diverse ecosystem of legitimation stories.[5] Each legitimation genus becomes a tree in a forest of legitimation, with more branches than can be counted or catalogued. The beast grows new heads faster than you can cut them off.

Is the legitimation hydra the best strategy for securing the legitimacy of the state? Some political theorists have worried about an overproliferation of stories. Max Weber famously worries about 'warring gods':

> As science does not, who is to answer the question: 'What shall we do, and, how shall we arrange our lives?' or, in the words used here tonight: 'Which of the warring gods should we serve? Or should we serve perhaps an entirely different god, and who is he?' then one can say that only a prophet or a saviour can give the answers. If there is no such man,

> or if his message is no longer believed in, then you will certainly not compel him to appear on this earth by having thousands of professors, as privileged hirelings of the state, attempt as petty prophets in their lecture-rooms to take over his role. All they will accomplish is to show that they are unaware of the decisive state of affairs: the prophet for whom so many of our younger generation yearn simply does not exist. But this knowledge in its forceful significance has never become vital for them. The inward interest of a truly religiously 'musical' man can never be served by veiling to him and to others the fundamental fact that he is destined to live in a godless and prophetless time by giving him the ersatz of armchair prophecy. The integrity of his religious organ, it seems to me, must rebel against this.[6]

The 'privileged hirelings of the state' cannot supply a single, unifying legitimation story. But the notion that a single story is needed to unite the people is influenced by false memories of medieval political theology. There was no period in which a Catholic religious consensus secured states against the threat of legitimacy crises. Legitimacy crises did not originate with the Protestant resistance movement in the sixteenth century. They are part and parcel of politics itself. When Holy Roman Emperor Louis IV deposed Pope John XXII in the fourteenth century, he relied on the legitimation stories of a rogue Italian scholar – Marsilius of Padua – to justify his acts.[7] When Henry Bolingbroke rode to war against Richard II, the fact that both claimants to the English throne were Catholic did little to stem the tide of rebellion. Religious legitimation stories certainly contribute to state legitimation strategies, but no state can maintain legitimacy for long by relying on a single legitimating abstraction, much less a single conceptualisation of a single abstraction.

We can find legitimation stories even earlier, in antiquity. In the second century, the Roman emperor Septimius Severus claimed to have established 'an all-embracing peace existing for all mankind, created through the defeat of those barbarians who always harass the empire'. It is clear that in Severus's hands, 'peace' is a legitimating abstraction, to be understood through the conceptualisations that are necessary to explain the military campaigns he decides to fight on the Roman state's behalf.[8]

To use Weber's expression, the 'privileged hirelings of the state' are tasked not with finding the best legitimation story, but with developing new conceptualisations of the most prominent and compelling legitimating abstractions. In liberal democracies, the privileged hirelings of the state develop further conceptualisations of the legitimating abstractions that comprise the liberal triad – liberty, equality and representation.

Legitimacy is not the exclusive purview of the 'thousands of professors'. This is not a top-down account of the kind offered by Louis Althusser, in which

'ideological state apparatuses' straightforwardly constitute subjects. Wherever there are people discussing the acceptability of the state's acts, legitimation stories will be developed and discussed. But the political theorists who work specifically on the legitimating abstractions contribute disproportionately to these discussions. Historians of political thought trace the development of legitimating abstractions, and in so far as they unearth old, forgotten conceptualisations that they find compelling, they repurpose those conceptualisations for contemporary use. Contemporary political theorists more straightforwardly develop new conceptualisations of the dominant legitimating abstractions, though sometimes they draw on the work of historians of political thought for inspiration. The really celebrated theorists are the ones credited with creating new legitimating abstractions, especially the legitimating abstractions that are part of the liberal triad.

Let us have a look at some of the recent debates about the three legitimating abstractions that make up the liberal triad. These discussions will not attempt to identify which – if any – conceptualisation of these abstractions is the best one. Instead, they will help develop our account of how legitimation shifts work.

Liberty as a Legitimating Abstraction

In the twentieth century, Isaiah Berlin's binary account of liberty became enormously popular at British and American universities.[9] In 1958, Berlin gave a lecture in which he divides conceptualisations of liberty into two types:

> 1. Negative liberty: subjects are free to the extent that no human beings or human organisation stops them from doing what they would otherwise do.[10]
>
> 2. Positive liberty: subjects are free to the extent that they can realise their potential to be their own masters.[11]

To have positive liberty, subjects need to be able to get access to things that are necessary for them to realise their potential. This plausibly includes goods like education, healthcare or housing, and possibly a good deal more. The state protects positive liberty by keeping these things accessible to subjects.

If political actors are really convinced that these things are necessary for people to realise their potential, they might start mandating them. Berlin is very concerned about this, because for him mandates of that kind violate negative liberty. Subjects have negative liberty as long as no one actively gets in the way of the things they want to do. If the state forces them to go to church or school against their will in the name of helping them realise their potential, it is stopping them from doing what they would otherwise do. It is therefore threatening

negative liberty in the name of advancing positive liberty. But Berlin is careful to emphasise that positive liberty has value in its own right, and it has a role to play going forward, too.

Berlin's distinction is similar to the distinction Benjamin Constant drew two centuries ago, but there are important differences. Constant distinguishes between 'ancient' and 'modern' forms of liberty.[12] Constant's distinction is less precise, but broader and more encompassing than Berlin's. For Constant, 'modern liberty' is 'the right to be subjected only to the laws', to be 'neither arrested, detained, put to death, or maltreated in any way by the arbitrary will of one or more individuals'.[13] It is also 'the right of everyone to express their opinion', to 'choose their profession and practise it', to 'dispose of property, and even to abuse it', and to 'come and go without permission, and without having to account for motives of undertakings'. It is 'everyone's right' to 'associate with other individuals, either to discuss their interests' or to 'profess the religion which they and their associations prefer', or even to 'occupy their days or hours in a way which is most compatible with their inclinations and whims'. Finally, it includes the 'right to exercise some influence on the administration of the government', through 'electing all or particular officials', or through 'representations', 'petitions' and 'demands'.

By contrast, for Constant 'ancient' liberty 'consist[s] in exercising collectively, but directly, several parts of the complete sovereignty'.[14] It involves 'deliberating, in the public square, over war and peace', 'forming alliances with foreign governments', 'voting laws', 'pronouncing judgements', and 'examining the accounts, the acts, the stewardship of the magistrates' in calling these magistrates 'to appear in front of the assembled people, in accusing, condemning or absolving them'.

It is possible to simplify Constant's distinction, to associate 'modern' liberty with the private sphere and 'ancient' liberty with the public sphere. But while the reduction makes Constant's theory easier to use, it papers over some of its valuable complications – for instance, even modern liberty involves exercising 'some influence on the administration of government'. This observation allows Constant to highlight that modern liberty involves some level of participation in a public sphere, even as it otherwise directs subjects to derive their sense of purpose from private affairs. This is a productive tension, in that it forces Constant to tarry with a real-world problem – modern subjects have little reason to perform political functions or to take the time to perform them well. And yet, if they do start to place more value on political participation, this raises the possibility that they may try to reinstate a muscular form of ancient liberty in a political context where this is unsustainable.

Berlin's 'positive' and 'negative' conceptualisations focus less on what the subjects are doing and more on the role of the state. Berlin is interested in whether the state is interfering with subjects, in whether the state is trying to

help subjects realise their potential. In this sense, Berlin's theory is more top-down, and Constant's is more bottom-up.

But both theories work by taking the legitimating abstraction 'liberty', dividing that abstraction into two distinct conceptualisations, and then playing with tensions between those two conceptualisations. Berlin invites readers to believe not purely in liberty understood in the negative or positive way, but in liberty mediated through both conceptualisations. The use of two conceptualisations together leaves the state room to frame itself as balancing between the two. In the same way, Constant incorporates some political liberty into his conceptualisation of modern liberty, leaving room for modern states to retain ancient conceptualisations of liberty in a diluted or diminished form.

Both theories clearly emphasise one conceptualisation more than the other. Berlin makes a point of asserting the value of negative liberty, and Constant makes a point of asserting the value of modern liberty. Berlin and Constant invite subjects to place more weight on these conceptualisations, while assuring those who prefer stories featuring positive liberty or political liberty that their stories are not being thrown out.

Most legitimation shifts involve defining the old conceptualisation, the new conceptualisation and the relationship between the two. Legitimation shifts go more smoothly when the theorist introduces an attractive new conceptualisation without generating too much resistance from the defenders of the old conceptualisation. This is accomplished by making a point of acknowledging the old conceptualisation's continuing role. Like an ageing sports star, the old conceptualisation is gently transitioned into a smaller role on the team. It is not cut from the roster – at least not yet – but it must learn to accept a smaller role.

To pull this off, the theorist frames themselves as conducting a dialectical balancing act. In this way, they purport to offer advice for political actors to follow. Both Constant and Berlin played important intellectual roles in the legitimation shifts they helped to frame.[15] Berlin's piece was so successful that for decades, many theorists hoping to get out from under his conceptual frame nonetheless felt compelled to position their arguments in relation to his.[16]

In recent years, Quentin Skinner has tried to spearhead a legitimation shift on liberty in a more complex way. Skinner identifies three principal ways political theorists have understood freedom over the centuries.[17] He starts with freedom as 'no interference'. At first blush, this is the version that is most similar to negative liberty. Subjects are interfered with when others prevent them from doing what they would otherwise do, or by using credible threats and intimidation to push them to do things they would not otherwise do. But Skinner also points out that some no-interference theorists also think subjects can get in their own way. Skinner says that for ancient and medieval thinkers, the passions can interfere with subjects' reasoning abilities. He says that for some modern existentialists, subjects act in bad faith when they allow social norms to stop them doing what they

authentically desire to do. He says that for some Marxists, subjects are 'false conscious', in the sense that they are unable to face the reality that they spend much of their lives in jobs that force them to deny or ignore parts of the human experience.

If subjects can interfere with their own freedom, then protecting them from interference will often involve protecting them from themselves. Berlin excludes self-interference from negative liberty to avoid this potential implication. He instead classifies views that emphasise self-interference as forms of positive liberty, arguing that they are really about self-realisation.[18] But Skinner treats self-realisation as a whole different type of conceptualisation of liberty. For Skinner, self-realisation theorists think that human beings share a common human nature, or 'essence'. Skinner says that for some theorists, this essence is political: these theorists argue that subjects need to participate in the political system to exercise the full set of political rights associated with citizenship. For others, this essence is spiritual: subjects are self-realised when they become virtuous people or people with the right kind of relationship with the divine.

Like Berlin, Skinner says that self-realisation views often empower the state to mandate controversial ways of living. The 'essence' that subjects are meant to realise can be defined in too many controversial ways. The authorities can decide to coerce subjects in the name of whatever 'essence' they think subjects have. They can impose upon subjects a political or religious essence and force subjects to align their behaviour with it in the name of freeing them.

But Skinner identifies another kind of freedom. He calls this the 'no dependence' view, and he associates it with republicanism, and with the Romans. Skinner says that for the Romans, when we are dependent on someone or something, we rely on the arbitrary will or power that that someone or something possesses. We must worry that the someone or something might interfere with our decisions in ways that undermine our interests.

While Berlin and Constant discuss conceptualisations of liberty directly, Skinner usually frames himself as discussing somebody else's account. He constructs a whole tree of conceptualisations of liberty. 'No interference', 'self-realisation', and 'no dependence' are the three main branches of this tree, but each of these in turn splits off into further conceptualisations.

Skinner distances himself from these conceptualisations. They are not his conceptualisations, but the conceptualisations that have existed, historically. He does, however, admit that this historical framing has a normative purpose – to critique the accounts that are dominant. In one version of his famous liberty lecture, he says:

> Well, what is the point of these remarks? What is the point of genealogy? . . . Genealogy is critique. Critique of what? Conceptual analysis . . . We are repeatedly told in contemporary Anglo-American political philosophy that there is, I quote John Rawls, 'one coherent way of thinking

> about liberty. It is a negative concept and it consists in the absence of interference.' . . . But there isn't just one way of coherently analysing the concept of freedom in our time. I have spoken of writers like Arendt and Taylor who do not think about it in these terms at all but they think coherently. And I have spoken of a legal tradition which insists that even if liberty is seen as negative, it is not to be seen in terms of interference but, on the contrary, of domination and dependence. Each of these positions – we end up with three major features of the genealogical tree – are, I think, coherent in their own terms. My other and final point is that while each of these accounts is, I think, coherent in its own terms, you cannot combine them . . . You're going to have to make some choices because they do not fit together. So, what choice should you make? And that brings me lastly to the most important point I want to make in this lecture which is that I do not think that university teachers should go around telling people what to think especially not in very great universities like this one. You can all think. You all know this. This is what Wittgenstein calls 'assembling reminders'. So, that's what I have done. I have assembled reminders for a particular purpose. And that I think is the task of the teachers – to try to clarify what it is that one needs to be reminded of in order to think about it. And that's all I have tried to do in this lecture. I have tried to present you with information relevant to answering the question: *how should we think about freedom?* But as to the answer, I leave that to you.[19]

Skinner acknowledges that his presentation critiques some older accounts of liberty, but he denies that it advances a specific, particular replacement conceptualisation. If, however, we look at his writings and the structure of the talk itself, it is abundantly clear that Skinner has a no-dependence view.[20] He introduces no-dependence views last, says they 'crucially need to be added to the picture', and admits that this is 'really my excuse for standing before you'.

Skinner introduces a new conceptualisation by framing it as an old Roman conceptualisation that has been neglected, ignored and talked over. The purpose is to affect a legitimation shift – to get people to believe stories that conceptualise liberty as no dependence. Skinner has made some progress. In recent decades, a substantial number of contemporary political theorists – no doubt influenced by his work, and by the work of Philip Pettit – have taken an interest in no-dependence or non-domination conceptualisations of liberty.[21]

Even though Skinner says in his talk these accounts cannot be combined, in his written work he is careful to emphasise that a shift towards the no-dependence view does not mean the no-interference view must be discarded. He writes, 'According to the neo-roman theorists, unfreedom can be produced either by interference or by dependence, which seems to me correct.'[22]

So, like Constant and Berlin, Skinner argues for moving towards a different conceptualisation of liberty while emphasising a desire to preserve the heretofore prevailing conceptualisation in a gently diminished role. But unlike these theorists, Skinner frames even his own view as a historical artifact. He pitches the no-dependence conceptualisation as an ancient position he has uncovered rather than a new view he urges us to adopt. In a period where a straightforward philosophical intervention might draw more resistance, burying the lead in the language of historical analysis increases the normative potency of Skinner's intervention.

Putting aside whether we agree with Skinner's conceptualisation, will this shift work? Some of the theorists who are attracted to a republican conceptualisation of liberty are attracted to it because they think they can use it to critique the state's acts and articulate political demands. Recently, there has been an effort to identify Karl Marx with the republican tradition.[23] Tom O'Shea has explicitly entertained the possibility that on plausible non-domination views, ordinary rank-and-file workers face structural domination.[24] He writes:

> Whenever someone is dependent on the arbitrary power of employers as a condition of securing their civic capabilities, then they will be dominated by the set of those employers able to offer or refuse them a wage or salary. Most workers in capitalist economies are structurally dominated in this way – unable to fashion themselves with the resources and opportunities necessary for political equality as citizens without the contingent and revocable support of employers . . . If this diagnosis is sound, then it is now incumbent on republican political thought to identify the tools and politics best suited to helping these workers organise themselves and abolish the dominating power to which they – for many readers, we – are subject. Nothing less than our freedom is at stake.[25]

If the no-dependence conceptualisation is going to work as a legitimation story, it will have to be much less demanding, enabling it to legitimate liberal democracy as a system that protects against relationships of domination. If instead non-domination views position the working class as subject to domination by the capitalist class, these views become a form of ideology critique rather than workable legitimation stories for 21st-century liberal democracies. Ideology critique's purpose is not to aid the state in its attempt to escape the chronic crisis. Its purpose is to escalate the crisis for the purpose of extracting fundamental political change. In this way, critical theorists turn legitimation shifts around, using them to tie the state to legitimation stories it cannot live up to. This, then, is one of the ways a legitimation shift can plausibly fail to secure legitimacy – it can introduce more demanding conceptualisations that cannot perform the legitimating function but do subject the state to new and challenging political demands.

There are, however, ways of countering these attempts to shift legitimating abstractions in radical directions. Shifts that appear critical or radical in character can be turned and reappropriated. Arguably, this was the objective of Constant and Berlin in the first instance – to conceptualise liberty, a seemingly radical abstraction, in a manner that rendered it compatible with securing legitimacy. But this struggle to reappropriate key legitimating abstractions is even more clearly expressed in the contest over the meaning of equality.

Equality as a Legitimating Abstraction

There are an enormous number of conceptualisations of equality, and these conceptualisations can be framed in many different ways. Here are just some of the questions theorists ask about equality:

> 1. What is the 'currency of justice', the specific thing that is being made equal? Is it outcome, opportunity, welfare, resources, capabilities, political participation, recognition or something else?[26]
>
> 2. Who is being made equal? Is it individuals, cultural groups, economic classes, whole countries or something else? Are future people or non-human animals included in the theory?[27]
>
> 3. What distributive principle is being used? Are we to appeal to strict egalitarianism, prioritarianism, sufficientarianism or something else? Prioritarians – like Rawls – pick the distribution that prioritises the worst off, ensuring a high floor. Sufficientarians focus on ensuring everyone reaches some minimum level.[28]
>
> 4. Does the theory take equality to be intrinsically valuable, or is equality being valued for non-intrinsic reasons? For instance, Martin O'Neill argues that equality is valuable because it increases access to his preferred conceptualisation of liberty.[29]

The range of conceptualisations of equality is so vast that Bernard Williams conceptualises liberty as the thing that is needed to enable us to live alongside people with such a wide range of views about equality.[30] There is a great need for an enormous number of conceptualisations of equality in part because there are so many ways to conceptualise equality as a form of ideology critique. It is so easy to use equality in the way Dahl describes, to highlight clear incongruities between the state's stories and its behaviour.[31]

It is for this reason that there are some right libertarian theorists who think equality should be used very sparingly as a legitimating abstraction, if it should be used at all.[32] Friedrich Hayek argues that equality should be conceptualised

as 'equality before the law' and nothing more.[33] From a legitimation standpoint, Hayek's conceptualisation can work, but not on its own. The subjects who think Hayek's conceptualisation is false come up with more demanding conceptualisations. But the subjects who subscribe to Hayek's story make it difficult for the subjects with more demanding stories to succeed in forcing the state to adhere to their stories. The Hayekian story works not by being the story everyone affirms, but by fostering division and conflict among those who would seek to use equality to advance a critical theory.

Next, there are conceptualisations of equality focused around opportunity. Some opportunity stories focus only on formal equality of opportunity, and therefore rather narrowly on opposing nepotism, patronage or discrimination. These conceptualisations are less demanding than those focused on substantive equality of opportunity, 'equality of opportunity for welfare', or those focused straightforwardly on outcomes.[34] Then there are those who call for reducing inequalities of wealth and income, instrumentally, as a means of creating an equality of political power or political participation, as a means of increasing access to political liberty or as a device for liberating subjects from forms of domination.[35] These views tie very demanding versions of equality to very demanding versions of liberty. As critical theories, they pack quite a punch.

To fend off the critics and preserve equality's utility for legitimation, a divide-and-conquer strategy is employed. Those who want to hold the state to more demanding equality stories are confronted with the fact that there are multiple milder equality stories that stand in their way. These milder stories affirm the legitimacy of the state, and they are constantly recruiting believers. Conservatives who believe in liberty without equality, or mere equality before the law, or mere formal equality of opportunity, believe that these stories are satisfying, and they reject the more ambitious stories as ideology – often as socialist or communist ideology. In this way, equality has at least three solid layers of wall around it. To successfully appropriate the term for critical purposes, all three of these walls must be breached.

In recent years, 'equity' has been used as a bit of a conceptual cannon. Equity is framed not as a conceptualisation of equality, but as if it were an altogether different legitimating abstraction. The contemporary distinction originated in the education discipline.[36] For education theorists, equality is associated with 'giving everyone the same resources' while equity is associated with 'ensuring everyone reaches the same level'. Its meaning in the classroom is evident – it is easy to understand why a schoolteacher would want to ensure all the students read at grade level rather than spend the same amount of time tutoring each student irrespective of ability level. In the language of political theory, these are both types of equality of outcome. 'Equality' is here being associated with equality of resources while 'equity' is being associated with equality of welfare. Sometimes it is suggested that

subjects should reject equality in favour of equity. By suggesting that equality of welfare is 'equity' instead of equality, subjects are invited to dismiss not just the equality-of-resources view, but every other conceptualisation of equality apart from equality of welfare.

This has all the hallmarks of an attempted legitimation shift. But it is aggressive in form, in that it does not develop a new conceptualisation of equality but instead tries to replace equality with equity. Replacing a legitimating abstraction is a much more radical approach, and it tends to generate substantial resistance. Any of the political theorists who have developed conceptualisations of equality – even those who have developed quite ambitious, demanding ones – can be agitated by this attempt to cut through the whole equality literature in one stroke. Savvy proponents of equity will calm down equality theorists by emphasising that there is still a role in their theory for equality. Oscar Espinoza calls for researchers to 'synthesise equality/equity-based research', to allow for the 'combination of different dimensions for each concept with different stages in the educational process'.[37]

But while the currency-of-justice question is being litigated, the state's defenders can open up a new front by questioning whether the state ought to be applying equity to individuals or cultural groups. If the aim is not to equalise welfare for individuals but to equalise welfare for groups, group equity can be consistent with enormous inequalities at the individual level. If equity can be turned into a group concept, its radical edges can be dulled, and it can be turned into a workable legitimation story.

The American state discusses equity in a vague, non-committal manner that facilitates this transformation. Recall, for instance, our discussion of President Biden's executive order concerning racial equity in Chapter 2.[38] The Biden order left it glaringly unclear what precisely the administration means by equity. At one point in that order, The Office of Management and Budget was instructed to study 'the best methods, consistent with applicable law, to assist agencies in assessing equity with respect to race, ethnicity, religion, income, geography, gender identity, sexual orientation, and disability'.

This list consists exclusively of groups, with no mention of individuals. As the state does everything it can to keep its options open, advocacy groups are hard at work breaking equity into tranches. Race Forward defines racial equity as 'a process of eliminating racial disparities'.[39] The Center for American Progress uses equity mainly to argue for closing the racial wealth gap.[40] Racial Equity Tools straightforwardly defines equity as 'the condition that would be achieved if one's racial identity no longer predicted, in a statistical sense, how one fares'.[41] None of these forms of group equity have much to do with achieving individual equality of welfare. They direct our attention away from that very demanding conceptualisation and towards milder conceptualisations that can more easily be used to legitimate state action.

In time, it is possible that all of the milder, more conservative conceptualisations of equality will be replicated as conceptualisations of equity, allowing new versions of the old walls to be constructed. Some conservatives will go on denying any need for equity, some will conceptualise equity as mere equality before the law, and some will conceptualise equity as mere formal equality of opportunity.

The proponents of equity will learn a lesson that critical theorists often learn too late – when you fight the hydra, you must target the base, not the heads. Equity is only very superficially something other than a conceptualisation of equality. By pretending to be an alternative legitimating abstraction, it attracts fiercer opposition without offering a genuine alternative vision of politics. It incurs the costs of abstraction substitution without obtaining the benefits. For its part, the state may find that by embracing mild conceptualisations of equity while pretending to be open to radical conceptualisations, it can breathe new life into many equality-based legitimation stories that might otherwise have trouble attracting a new generation of believers.

Representation as a Legitimating Abstraction

In the twentieth century, Hanna Pitkin's account of representation proved remarkably influential. In *The Concept of Representation*, published in 1967, Pitkin points out that it is possible to conceptualise representation in many different ways:

> One source of difficulty is that the verb 'to represent' has a much wider use than the corresponding substitutes. 'Representing' is not confined to representatives and representations; all kinds of things may stand for something absent; all kinds of social roles may involve representing in one of that word's many diverse uses.[42]

Pitkin distinguishes between two principal conceptualisations of representation:

> 1. The representor represents the representee in so far as the representor 'acts for' the representee.
>
> 2. The representor represents the representee in so far as the representor 'stands for' the representee.

Pitkin considers a wide range of terms used to describe representatives who represent in these two senses, including actor, factor, agent, trustee, guardian, procurator, deputy, attorney, lieutenant, vicar, delegate, ambassador and commissioner.[43] But for her, these terms can only be used apophatically.[44] To take the representative to be merely a 'delegate' or a 'trustee' would be to exclude much of what is important about political representation.

Despite this, Pitkin is nonetheless frequently associated with a view in which representation is framed as a binary struggle between two conceptualisations, one focused around delegates and the other around trustees.[45] In delegate representation, representatives attempt to honour the wishes of their constituents, even if their own views differ. In trustee representation, representatives use their own judgement, even if it conflicts with the wishes of their constituents.

While Pitkin does pay substantial attention to 'the mandate-independence controversy', which is framed around whether representatives ought to favour the 'wishes' or the 'welfare' of the represented, there is more going on in Pitkin's text. Her discussion is not exclusively focused around questions concerning how representatives ought to act for representees. Pitkin also distinguishes between two types of representation as 'standing for':[46]

> 1. Descriptive representation, in which the demographic composition of the representatives reflects the demographic composition of the citizenry, at least in certain respects that are taken to be important.
>
> 2. Symbolic representation, in which representatives stand for the idea of the country, the nation or the people, considered as a unified whole.

Pitkin points out that there are troubling conceptual problems with saying that political representatives can represent specific individuals. She writes:

> If 'to represent' as an activity is to have a substantive meaning, it must be to 'to act in the interest of' or 'to act according to the wishes of' or some such phrase. But if the key word of the phrase is defined as entirely a subjective matter, then by definition no one can really act for another.[47]

Instead of representing individuals, Pitkin suggests we might conceive of the representative as representing 'constituencies' or 'the national interest' or, in some fusion of the two, 'the public interest'.[48] But if these abstractions become too disidentified with the real interests or wishes of subjects, representation lapses into a technocratic arrangement. To avoid that outcome, Pitkin frames the term in a deeply dialectical way. She writes that political actors should be trained to pursue the public interest, but also trained to remain critical of their own training, so that 'they are always open to further interpretation and reform'.

Pitkin's book is really about representation as a legitimating abstraction, rather than about the specific conceptualisations. All of the different conceptualisations Pitkin discusses have roles to play in making representation work. In different situations, different conceptualisations of representation must be emphasised. Sometimes political actors must pitch themselves as acting for and

sometimes as standing for. Sometimes they must frame themselves as delegates and at other times as trustees. Sometimes they must purport to descriptively represent a patchwork of group constituencies, and at other times they must symbolise unified wholes.

All of the conceptualisations of representation are inadequate, but this is an advantage rather than a disadvantage. If subjects say that representation fails in one sense, political actors can suggest that they have failed to understand the other senses in which it potentially succeeds. Instead of a tree with many branching conceptualisations, all separate and distinct, representation works like a spinning top – its axis tilts to favour different angles of the abstraction, accommodating different situations by tilting in different directions.

Pitkin does, however, worry that this fundamental imprecision can lead political theorists to conflate the representation that descriptively succeeds in generating legitimacy with the representation they normatively ought to regard as acceptable. She writes that 'we can never allow institutions, habits of conduct, the behaviour of representatives, to become our standard and ideal'.[49] But she acknowledges that subjects' preferred understandings of representation change over time. The state can shore up representation-involving legitimation stories by encouraging subjects to prefer the stories that most easily align with what it is able to do. When the state is taking dynamic action, it can frame representation as 'acting for', claiming that its acts are either in the interest of subjects or in accord with their wishes. When the state becomes more heavily gridlocked, it can frame representation as 'standing for', claiming that it represents subjects in a more descriptive or symbolic sense.

Suppose that Francis Fukuyama is right about the vetocratic character of the American political system, that there is a persistent lack of state capacity. In such a situation, the state would push its subjects to embrace conceptualisations of representation that emphasise 'standing for' rather than 'acting for'. Among those subjects who buy into the 'standing for' shift, there would be some who understand 'standing for' in a more descriptive sense, and others who understand 'standing for' symbolically. This could cash out in a culture war between the two. Subjects who view the United States as a patchwork of social groups would tend to believe descriptive stories. If race is a relevant group signifier, it would become important for these subjects that our representatives be racially diverse, in a way that reflects the racial diversity of the country. The same goes for gender, sexuality, religion and other potentially relevant group categories. At the same time, subjects who view the United States as a unified nation will tend to prefer symbolic stories. These subjects would suggest that there is an American way of life that all Americans should participate in regardless of which social groups they may identify with. They will want representatives who embody these values and who will appear to defend them – at least rhetorically – when they are called into question.

The subjects who prefer descriptive representation will argue that the United States is too diverse for us to speak meaningfully of a single, shared 'American' way. In their view, proponents of symbolic representation can think of America as a unified whole only by ignoring or excluding the parts of the country that do not fit their vision. For proponents of symbolic representation, the concept of 'America' loses meaning if it is reduced to a patchwork of identity groups. They object to forms of identity they view as divisive or factionalist. Both sides will want the state to tell their preferred legitimation story. But neither side will be particularly focused on the state's acts. If Wolfgang Streeck is right, and democracies' policies are increasingly overdetermined by the supranational system, these forms of representation allow the state to continue to lean heavily on representation as a legitimating abstraction even as its ability to take substantive action declines. In point of fact, the state might be acting in the interests of oligarchs and transnational corporations, but as long as the public debate remains fixed on a struggle between descriptive and symbolic representation, the state can quietly shift away from conceptualisations of representation as 'acting for'.

Folk Legitimation Stories

By deploying the liberal triad of legitimating abstractions in these clever ways, the state can avoid slipping into liminal legitimacy. It may even succeed in pushing up towards full legitimacy. But this can only work as long as the subjects continue to believe in legitimation stories involving these abstractions. To acquire these beliefs, subjects must be taught to value these abstractions at fairly young ages. For Dahl, people are politically 'receptive' during 'and only during' the first two decades of life.[50] Dahl could well be wrong about this – while existing political science research broadly supports the idea that political views do not change much throughout life, the question is methodologically difficult to answer.[51] But, even if he takes the point rather far, there is likely to be a kernel of truth in what he says. If a person does not start to affirm the liberal legitimating abstractions by the time they finish formal education, it would be difficult for the state to ensure they do come to affirm those abstractions.

In a chronic legitimacy crisis, disagreements about which legitimation stories are relevant for securing the state's legitimacy are sharp. This makes it harder to teach the legitimating abstractions to students. To avoid raising the hackles of parents, American high schools teach students how the American political system works, mechanically, while avoiding controversial questions about which legitimation stories ultimately ought to be invoked to explain its procedures and acts. High school students learn the functions of the three branches of government. They memorise how a bill becomes law. This kind of civics education is frankly extraordinarily boring. Students retain almost none of what they learn.[52]

This means that subjects have to go to college to get into the classes where liberty, equality and representation are discussed in any detail. Often students have to major in the arts or the humanities or take relevant electives. An effort could be made to more effectively use the university system to disseminate political concepts. Proposals to increase the accessibility of the universities by making tuition free of charge have not gone anywhere politically, but mandatory civics classes for university students are sometimes discussed. In Indiana, Purdue University recently introduced a mandatory 'Civics Knowledge Test'. It deploys some legitimating abstractions, including representation. It often draws on traditional terms associated with conservative and libertarian legitimation stories, like 'natural rights', 'limited government' and the 'rule of law'.[53] But the test itself consists of a series of dull, poorly written multiple-choice questions.[54] It looks very much like a high school civics test. Politically, it is hard to get away with more than this, even at the university level. Once political education becomes mandatory in the United States, it tends to lose its bite.

This means that, as the chronic legitimacy crisis gets deeper, it becomes harder to use the educational system to execute legitimation shifts. All sorts of attempts at shifts are made, but the audiences for these shifts are relatively narrow slices of the population. Weber's 'privileged hirelings' of the state increasingly tell legitimation stories to each other, and not to the rest of the state's subjects. If these subjects become alienated from the hirelings' stories, they may fall back on folk legitimation stories of their very own. These folk legitimation stories can proliferate and even compete with the stories the hirelings tell one another. While these folk stories are unlikely to yield new legitimating abstractions outright, they may generate new conceptualisations of existing abstractions, or they may revive older abstractions that have, for some time, only played minor roles in the state's legitimation strategy. Some old legitimating abstractions are highly contentious, like 'God' or 'nature', spawning further cultural conflicts. Many ancient legitimating abstractions are focused on economic or foreign policy outcomes, like 'prosperity', 'order' or 'peace'. While these abstractions are vague enough to be conceptualised in multiple ways, it is generally harder to divorce them from the conditions associated with the state's economic and foreign policies. If subjects want the state to tell legitimation stories about rising living standards, it is very hard for the state to be seen to be acting in accordance with these stories when, say, unemployment and inflation are high, or when wages and productivity are stagnating.

The 'privileged hirelings' may associate these folk stories with 'populism' or 'demagoguery'. But, in embedded democracies, the folk stories will consist largely of old stories the hirelings have de-emphasised and critical stories the hirelings have failed to suppress or outcompete. These are not anti-democratic legitimation stories. They are democratic legitimation stories that use legitimating abstractions, but in ways that conflict with the state's legitimation strategy.

The subjects of an embedded democracy are not affirming the legitimacy of authoritarian states when they tell legitimation stories that suggest that democracy's legitimacy relies on its capacity to deliver prosperity, peace or order. They are trying to get their democracies to respond to their values as they understand them. A gap between the stories preferred by politically educated subjects and the folk stories preferred by rank-and-file subjects makes it much more difficult to resolve a chronic legitimacy crisis through a legitimation shift. The next chapter explores what happens when a crisis develops in this direction.

6

INEQUALITY AS A CHRONIC LEGITIMACY CRISIS

This chapter develops an applied account of the theory of legitimacy developed in the previous chapters. It is framed around 'inequality', for several reasons. As we highlighted in Chapter 1, many of the twentieth-century accounts of legitimacy and ideology explicitly highlight equality as a potential trouble spot. Theorists such as John Rawls and Jürgen Habermas place a heavy emphasis on the importance of conceptualisations of equality that focus on procedural equality, on an equality of political participation or political input. Often citizens begin to experience these stories as ideology when they confront inequalities of economic output – when they view the state's decisions as 'unjust'. Many contemporary political economists have placed a heavy emphasis on rising economic inequality as a delegitimating factor and as a cause of crisis. These theorists focus more on conceptualisations of equality that tie it to economic output, to the way in which resources and opportunities are distributed. Often these theorists use 'equality' rather loosely, drawing on relatively undemanding understandings of the term. In a book titled *The Price of Inequality*, Joseph Stiglitz – who served as chairman of President Clinton's Council of Economic Advisers in the 1990s – argues that economic inequality causes trouble for democracy because rising inequality pushes American citizens to view the economic system as failing. If the economic system appears to be failing, this erodes confidence in both democracy and the market economy. It makes American citizens doubt that that the United States is a country of opportunity, and it calls into question whether in the United States there is rule of law or a functioning justice system.

Stiglitz even suggests that this erosion of confidence can call Americans' sense of national identity into question.[1]

In this way, Stiglitz implicates rising economic inequality in undermining many legitimation stories. Some of these are older folk legitimation stories focused around whether the economic system is achieving prosperity. Others make explicit reference to specific conceptualisations of equality, like equality of opportunity or equality before the law. Stiglitz suggests that rising economic inequality threatens even relatively conservative equality-based legitimation stories. Opportunity and the rule of law are generally far less demanding than those conceptualisations focused on equality of welfare or resources.

The French economist Thomas Piketty argues that rising economic inequality has undermined democracy by damaging the sense that the economy operates in a meritocratic way. He writes that in a democracy, the equality of rights of all citizens contrasts sharply with the very real inequality of living conditions. To overcome this contradiction, Piketty suggests it is necessary to ensure that social inequalities derive – or at least, appear to derive – from rational and universal principles rather than arbitrary contingencies.[2]

This is also a very tame conceptualisation of equality. It does not require meeting any specific standard of equality, provided that inequalities seem to derive from merit and effort, that they do not appear arbitrary. Yet Piketty argues that the state is failing to live up to even this very undemanding equality-based legitimation story.

Sometimes political economists implicate rising economic inequality more indirectly, arguing that it undermines other legitimation stories focused around other abstractions. For Wolfgang Streeck, to maintain its legitimacy, the state must negotiate an equilibrium between the profit expectations of the rich and the income and employment expectations of wage-earners.[3] If the state is unable to keep the rich sufficiently satisfied, the rich take actions that undermine economic growth and full employment. This failure to generate growth undermines legitimation stories focused around 'prosperity' as a legitimating abstraction. On this account, in so far as rising inequality spurs demands for wage increases, it creates conditions under which additional legitimation stories are called into question.

For Andrew Gamble, competitive markets undermine social cohesion and solidarity, making it difficult to secure consent for a fiscal base that is strong enough to meet many conflicting demands.[4] Ordinary people demand security and redistribution, while at the same time there is a need to maintain the conditions necessary for successful private accumulation, including external competitiveness and openness. Tensions between these aims upset a wide range of legitimation stories focused around conceptualisations of equality, but they also compromise stories focused around other concepts like 'security' and 'living standards' that gesture at older legitimating abstractions like 'order' and 'prosperity'.

This is not to say that everyone agrees that the US and UK are in an inequality-driven crisis of legitimacy. Many political scientists like to set up the American economy and American culture as alternative explanantia for the crisis, presenting evidence that the crisis should be framed as a cultural phenomenon rather than an economic phenomenon.[5] But in most inequality-based accounts, the crisis is not driven primarily by personal experience of unemployment, precarity or living standards stagnation. Rather, it is driven by an array of beliefs: for instance, that the economic system is failing, that the political system has been captured by moneyed interests, that inequality is increasingly arbitrary or based on kinship and rents, that there is a lack of responsiveness to political demands that would increase the return to labour, that democracy has become plutocratic, that the state has failed to provide for growth, that wages or living standards are not growing or are growing too slowly, in some general sense. These economic beliefs are often framed as having consequences for subjects' cultural beliefs. On some of these accounts, they lead to conflict about immigration, democratic citizenship or national identity. In these ways, inequalities of economic output can undermine not just legitimation stories directly tied to equality of economic output, but a host of other stories connected to procedural, input-oriented conceptualisations of equality and even stories tied to altogether different legitimating abstractions.

In the last chapter, I suggested that if the state becomes gridlocked and unable to live up to legitimation stories that are to do with policy results, it may promote conceptualisations of representation that emphasise notions of 'standing for' rather than 'acting for'. Within the 'standing for' branch, there are deep conflicts between the 'descriptive' and 'symbolic' conceptualisations of representation. Proponents of descriptive representation tend to want the state to stand for a plurality of cultural groups, while proponents of symbolic representation tend to want the state to stand for abstract unities. If economic inequality is rising, and the state appears to be 'captured by moneyed interests' or susceptible to 'plutocratic tendencies', it will not be able to generate the policy dynamism necessary to reduce inequality. Rising economic inequality could thus lead to a change in the way the state encourages its subjects to conceptualise representation, producing the cultural conflicts that many political scientists see as an alternative cause.

Narratives of crisis focused around cultural polarisation could therefore complement rather than conflict with this framing, provided those polarisation narratives do not pitch polarisation as a purely discursive cause with no connections to the economy or to the procedural character of the political system. I do, however, wish to push back against polarisation narratives that frame polarisation as purely a consequence of irresponsible public speech or a lack of gatekeeping on the internet. These narratives treat the public debate in isolation from the political and economic system, and they strike me as reductive. For

instance, in both the US and the UK, the decline of the trade unions does not just reduce the capacity of workers to get the state to deliver policy that accords with their interests or to participate meaningfully in democratic politics.[6] It also makes it more difficult for workers to get reliable information, allowing the public sphere to deteriorate. Understandably, many workers will mistrust state media or media owned by billionaires and large corporations. But without their own civil society organisations, the ability of workers to develop their own narratives of events is limited. Conspiracy theorists and the purveyors of fake news are able to exploit this civil society vacuum. This may be said to exacerbate polarisation, especially if we conceptualise polarisation in a multipolar way. But the civil society vacuum was caused in large part by economic and political changes – a reduction in the economic and political power of organised labour and a corresponding fall in union membership.

It might be argued that inequality is rising not because the state has been captured by moneyed interests but because of increasing technical complexity in policymaking or an increasingly competitive global economy with overdetermining policy incentives. In so far as these technical complexities and incentives yield policies that increase economic inequality, citizens may – rightly or wrongly – view this as a poor excuse, continuing to experience rising inequality as something imposed by 'elites' of some kind or another. In any case, technocracy and globalisation directly undermine procedural conceptualisations of equality, in that they diminish the sense citizens have that their voices are consequential for economic policy. For instance, the demand in the UK to go through with Brexit to 'take back control' from technocratic global and regional institutions that circumscribe the British state's policy autonomy may be driven by a desire to achieve more egalitarian policy outcomes, it may be driven by a desire to improve the sense that British citizens have meaningful input into policy, or these motivations may overlap and intersect in ways that make it difficult to frame just one of the two as causal. But, in all these cases, technocracy and globalisation interface with equality-based legitimation stories.

There are objections to the inequality framing that come from the left. Karl Marx and Friedrich Engels did not believe capitalist crises should be framed around equality. Engels dismisses equality as a bourgeois legitimating abstraction. When political actors discuss equality, they imply that there is some relationship between employers and workers that is or could be fair or just. For Marx, no such relationship is possible, because the workers are wage slaves. To distract from this fact by talking about inequality confuses the working class. In a letter generally published alongside Marx's *Critique of the Gotha Programme*, Engels writes that equality is a 'one-sided French concept' deriving from the French Revolution, a concept that played a positive role in that context but which 'ought now to be superseded'.[7] Marx elaborates on the character of this 'more accurate' way 'of presenting the matter'. For him, the key

point of emphasis is that the wage worker can only survive by surrendering a certain amount of labour time and the surplus generated during that time. The whole capitalist system relies on expanding the size of this surplus, by developing the worker's productivity or extending the worker's hours, and in this sense wage labour 'is a system of slavery, and indeed of a slavery which becomes more severe' as productivity increases, even if the worker's wage increases.[8]

The motivation behind this critique is normative. Marx and Engels thought workers ought to view capitalism as a system of wage slavery rather than merely a system that is, in some fixable respects, unequal or unfair. They thought this framing would help the workers avoid 'confusion'. From a Marxist perspective the wage slavery understanding of the crisis is true, normatively – it is the understanding that one ought to have, for the purposes of agitating for a form of politics that can live up to the highly demanding legitimation stories that Marxists value. But the fact that Marx and Engels had to make this argument itself illustrates that equality-based frames were still the ones that, in their day and age, tended, descriptively, to be used to discuss economic crises. This is still the case today in the US and the UK – there is far more focus on evaluating the economy in terms of whether it is compatible with equality or prosperity rather than in terms of whether it relies on slavery or domination. In theory it might happen that, in the years to come, the liberty abstraction will be shifted, no-dependence or non-domination conceptualisations will take on a more prominent role, and Marxist views will become more widespread. But when we are making a descriptive assessment of how a legitimacy crisis is proceeding, it is necessary to discuss the legitimating abstractions and conceptualisations that are in fact being used to frame and discuss the crisis, not those that one thinks ought to be used or that may be used at a later time. Therefore, the Marxist view that capitalist crises that appear to be about equality should instead be taken to be about a particular Marxist conceptualisation of liberty can be put to one side for the time being.

A final objection to the inequality frame comes from the Austrian economic historian Walter Scheidel. Scheidel observes that once extraordinary inequalities of wealth and power take hold in a society, they are only very rarely disrupted.[9] Scheidel identifies four forces that have shown a real capacity to substantially weaken or displace entrenched oligarchs – war, revolution, state collapse and pandemics. But even so, most events of these kinds are too weak to make much difference. Scheidel views many proposed strategies for addressing inequality as deeply unrealistic. He argues that the strategies that would work in theory lack political feasibility and that those that are feasible would have little effect.[10]

Scheidel observes that theorists like Piketty are still largely proposing policy reforms without acknowledging that economic inequality is also a procedural problem – it is quite difficult to get democratic procedures to yield meaningfully

redistributive policies. But Scheidel is not just sceptical of policy reforms. He goes further, expressing no great confidence in procedural reforms either – such as campaign finance reform, measures to increase voter turnout or interventions in the structure of the media.[11] For him, the procedural blockages that obstruct levelling policies obstruct levelling procedural reforms just as fiercely – causing trouble not just for strategies to reduce inequalities of economic output, but also for strategies to reduce inequalities of political input. In this way, Scheidel throws theorists like Habermas in the basket of utopians, too.

Scheidel goes so far as to argue that high inequality is 'a default condition of human civilisation'.[12] If inequality is a default condition, it cannot meaningfully threaten legitimacy. Scheidel might be right to suggest that inequality cannot be addressed through peaceful policy reform. But this does not necessarily mean that subjects accept inequality as a default condition. During the overwhelming bulk of the historical period Scheidel analyses, legitimation stories did not tend to be built around notions of economic equality. Even when some socialists became interested in pursuing economic equality in the eighteenth and nineteenth centuries, many of them did not initially think it plausible that material equality might be brought about except by violent, revolutionary means. The expectation that democracy delivers material equality and the belief that democracy is capable of meeting that expectation without revolutionary insurrection is a relatively recent phenomenon. On top of this, it would be difficult to argue that modern democracies began to qualify as 'embedded' – and consequently quite loyal to democracy as a political system – until some point in the last century or two. More demandingly, the expectation that democracies provide something like the modern welfare state – and the distributive justice that is meant to go along with that – could not have plausibly come about until the debut of the associated policies. In the US and UK, this did not begin to happen in earnest until the interwar period.

Bernard Williams is careful to emphasise that the content of legitimation stories depends on the context. Most of the period Scheidel studies is not 'now' or even 'around here'.[13] While human societies have been deeply unequal before and persisted in that inequality for long spans of time, never before has this much economic inequality been accompanied by legitimation stories that are comparably demanding.

Revolutionary Marxists would agree with Scheidel that the domination of the workers by the capitalist class cannot be addressed through peaceful policy reform, but that does not mean they think the class system is incapable of producing a crisis of legitimation. On the contrary, they think that the bourgeois state's inability to address the problem with reform makes revolution inevitable.

This chapter takes Scheidel's objections seriously – it may not be possible to address economic inequality through peaceful policy reform. But this may just mean that subjects have legitimation stories that the state cannot live up to

through peaceful policy reform. That does not mean there is no crisis, or that the crisis must escalate to the acute level and yield a revolution – instead, it means an inequality-based chronic legitimacy crisis is unsolvable.

It might well be possible to describe the crisis in some other way that makes it appear solvable. For instance, if the crisis were purely a consequence of irresponsible rhetoric by bad actors, with nothing at all to do with economic or procedural inequalities, it would be much easier to solve, because the state could make straightforward interventions into the culture industry, making it harder for bad actors to get the word out. But I doubt the crisis is that simple, and in any case an unsolvable crisis is more interesting, because many conventional routes out of the crisis are blocked. To fully develop this theory of legitimacy, it is useful to examine a hard case in which there is no easy way for the state to restore full legitimacy. If Scheidel is right, and there are no policy solutions, the crisis will need to be handled some other way. By assuming that Scheidel is right about the uselessness of policy reform, but that the revolutionary Marxists are wrong to think that the state's inability to do reform makes revolution inevitable, the theory of chronic crisis can be pushed to the limit. The rest of this chapter will do just that.

Can an Inequality-Driven Chronic Legitimacy Crisis be Settled?

If the crisis cannot be solved, the next step is to examine whether it can be settled. To settle the crisis, the legitimation stories built around conceptualisations of equality and prosperity would need to be made less demanding, so that the state's acts more neatly align with the expectations those stories create. Streeck considers the possibility that as inequality intensifies, subjects may acquiesce, either because they have no other choice or because they will finally be persuaded that inequality is necessary or beneficial.[14] But he says it is 'not yet possible' to see this outcome, that we are instead witnessing 'growing conflicts' about who is entitled to what.

It is difficult to settle the crisis for several reasons. First, there are many people who lived through the period in which economic inequality fell during the mid-twentieth century. Top 1 per cent wealth share in the United States dropped from 48.1 per cent in 1929 to 21.6 per cent in 1978.[15] Even in 2019, it was at about 35 per cent, still well below interwar levels. Top 1 per cent income share dropped from 22 per cent in 1941 to 10.3 per cent in 1976. In 2021 it was at about 19 per cent. In the UK, top 1 per cent wealth share dropped from 69.8 per cent in 1914 to 49.7 per cent in 1945, and then to 17.8 per cent in 1984.[16] In 2021, it was around 21 per cent. Top 1 per cent income share dropped from 30 per cent in 1910 to 6.8 per cent in 1980. In 2021, it was about 13 per cent.

Piketty and Scheidel point out that the period of mid-century levelling is a historical anomaly, but it does not feel like an anomaly to the people who grew

up in it. Many of the social structures constructed during this period are still with us. Demanding stories about equality and prosperity are sticky because there is still a deep historical memory of times when the state seemed to deliver on these stories, or at the very least, when the state seemed to many subjects to have the potential to deliver upon them.

Even if political actors do not frame the crisis as a crisis of inequality, their attempts to solve the crisis can still deepen it. When President Trump promised to look after 'the forgotten', it was irrelevant whether he could in any meaningful way actually do this – the mere promise to do it perpetuated solving frames and obstructed settling.[17] Trump described the crisis as one of immigration or border security instead of one of inequality, but regardless of the way he framed the crisis, he used the resentment that drives the crisis to push for procedural reforms that would expand his policy options.[18] Political actors do not have to be left egalitarians to perpetuate solving impulses – an inequality-involving crisis can be perpetuated by any political actor willing to trade on solver sentiment for gain. The political incentive to do this is powerful, for actors with diverse political commitments and diverse understandings of the causes of the crisis.

What is more, inequality is not the sort of thing that tends to just stand still and wait for subjects to adjust their expectations. It tends to grow over time, and it has quite high theoretical upward limits. Scheidel himself argues that the American Gini coefficient of 0.38 could rise as high as 0.60 before US per-capita GDP became unsustainable. He acknowledges that inequality 'has been inching up everywhere' and that this trend 'undeniably works against the status quo'.[19]

It does not just work against the status quo – it also works against the possibility of settling. By continuously moving real-world conditions away from the state's legitimation stories, rising inequality makes it harder for subjects to adopt equality-based legitimation stories that synch up with conditions. Even if they do develop less demanding stories over time, inequality may rise faster than the stories can be watered down.

Near-term settling, then, is not especially likely. The postwar era created terribly high expectations that are difficult to meet, making it much harder for subjects to accept less demanding legitimation stories or accept inequality as part of the 'default' going forward. Some political actors, like the neoliberal reformers Streeck despises, want to do things that would intensify inequality, making it harder for subjects to settle. Other political actors appropriate solving sentiments for immediate political gain, discouraging subjects from adjusting their expectations.

Sometimes political actors – like President Trump – do both of these at once, appropriating solving sentiment while taking action that exacerbates inequality, intensifying the crisis from both ends. The Trump tax cuts had regressive distributive effects. Economist Paul Krugman points out that since 84 per cent of

stocks are held by the wealthiest 10 per cent of the US population, the cut in the rate of corporation tax disproportionately benefitted affluent Americans.[20] And because the tax cut opened up a large hole in the federal budget, it will eventually have to be paid for some other way – by raising other taxes, or cutting spending on programmes people value. The cost of these policies will very likely be borne by the whole population, while the benefits accrue only to a small fraction.

Similarly, after promising some kind of 'hope and change', President Obama oversaw a recovery in which the overwhelming majority of new income gains went to the top 1 per cent of the income distribution.[21] Unable to implement reforms once in office, American political actors attempt to flip the narrative and govern as settlers. As soon as Obama and Trump could no longer credibly blame their predecessors for the distributive conditions, they began attempting to pass these conditions off as acceptable. As early as the 2010 midterms, Obama began depicting himself as a president who was leading a successful recovery.[22] By the 2018 midterms, Trump was doing the same.[23] To argue he had delivered prosperity, President Biden was forced to argue about the definition of a recession.[24]

Inequality drops out of their narratives – these administrations sell settling for current conditions to win re-election. When they are in opposition, these actors have every incentive to call attention to inequality and to promise to do something about it. But once in office, there is little they can substantively do, so they have every incentive to downplay the issue and pass off reforms that do very little or make inequality worse as transformational successes.

By calling attention to inequality while in opposition, these actors have made it harder to get people to unsee the failures. Their own solving rhetoric makes it more difficult for them to induce widespread settling later on. And so, while they may win elections for a time, eventually they are likely to be followed by another set of political actors pushing new solving narratives, many of which trade on the same tropes they themselves once traded upon.

In the UK, a similar process has unfolded around Brexit. David Cameron, who pledged to lead the UK out of the 2008 crisis, was unable to deliver on an economic recovery that could persuade enough voters that Brexit was unnecessary or a poor idea. In particular, wages and productivity growth stagnated, making it difficult for the British economy to keep pace with other wealthy democracies. Once the Brexit referendum happened, there was enormous electoral pressure on British politicians to argue that they could make Brexit work. But a succession of prime ministers has since been sent packing. First, Theresa May negotiated an underwhelming Brexit deal, and was pushed out of office when she failed to obtain the votes for it. Boris Johnson was able to push through the deal, but the British economy continued to underperform badly relative to its competitors during his premiership. His successor, Liz Truss, promised to solve the economic problems with unfunded tax cuts, leading to a run on British markets – a worsening of the situation – and a quick ousting. Rishi Sunak has

struggled to improve the economic numbers, leading to a substantial poll lead for his Labour opponent, Keir Starmer. Starmer is still promising to make Brexit work, though he has slowly abandoned many of the pledges his party made to differentiate its approach to Brexit from that of the Conservative Party. Given the fiscal constraints post-Brexit Britain faces, it is hard to see how a prime minister can make Brexit work. But both major parties continue to promise they can do it. They remain unconvinced they can win elections by asking the British electorate to settle for a second referendum.[25]

In sum, political actors keep promising to solve the crisis. But they keep failing to solve it – and sometimes they make it worse. Then they are replaced by new sets of actors who do all the same things. It is a clear recipe for sinking. They are, repeatedly, creating expectations they cannot meet, intensifying resentment over and over again.

To further complicate matters, there is an especially large array of equality-based legitimation stories. As Williams points out, disagreement about how to conceptualise equality runs very deep and is unlikely to be resolved.[26] If there are deep disagreements about conceptualisations of equality, then attempts to move the distribution in the direction of one conceptualisation will likely move it away from some other, creating new resentments to replace those that are addressed. In this way, attempting to move towards some particular conceptualisation of equality may generate resentment in some heretofore satisfied constituency, triggering that constituency to attempt to block or reverse the move and extending the lifespan of the crisis. This means that solvers do not just generate resentment by failing to solve. They also generate resentment in so far as they appear to be getting anywhere. To choose some conceptualisation of equality through which to view the crisis necessarily requires excluding or marginalising other conceptualisations of equality and the people who hold them. For Williams, the marginalisation of particular people's preferred conceptualisations of equality is itself a primary cause of resentment, so if dealing with resentment requires democracy to do the very thing that generates resentment – pick one conceptualisation of equality to advance at the expense of others – it is hard to see how the democratic system can avoid creating new resentment even in the mere act of attempting to define the problem.

For all these reasons, settling is unlikely to come off, at least in the near term. Sinking is more likely, and there are three sinking end-games – an acute crisis, a legitimation shift and a democracy that succumbs to despair.

Can Inequality Generate an Acute Crisis?

One of the core themes of this book is that an actual moment of revolt, in which powerful actors take up arms, is no longer possible in embedded democracies. Scheidel doubts inequality can generate rebellion. He argues that there are no further leftist revolutions on the horizon and that no alternative

movement has arisen with a comparable potential to violently reduce economic inequality.[27]

To further illustrate how unlikely an acute crisis is, let us consider the arguments of two theorists who do believe inequality can generate acute crises – Hungarian political economist Karl Polanyi and Spanish political scientist Carles Boix.[28] For these two theorists, certain conditions must be met for a revolt to come off, and many of these conditions do not obtain in 21st-century embedded democracies.

Boix uses game theory to model regime change, hoping to show how and why democracy is accepted or rejected. He claims that the more materially equal a society is in terms of wealth and income, the more likely democratic structures are to prevail, and the less likely it is that subgroups will attempt to seize power. He argues that as inequality rises, the poor become more likely to attempt to commandeer the democratic system for redistributive purposes. The rich gradually come to find that the costs of repression steadily shrink in relative size next to the cost of enduring said redistribution. Consequently, the rich advocate right authoritarian regimes that exclude and repress those agitating for redistribution.[29] Initially, poor citizens find that the costs of resisting democratic and authoritarian regimes are too high, but if inequality continues to worsen, resistance can become the lower-cost strategy, resulting in leftist revolution.[30]

It is a relatively straightforward account of acute legitimacy crisis – rising inequality causes the poor to object to the prevailing conceptualisations of equality. If the state adjusts its conceptualisations and redistributes, the rich eventually reject the state's legitimacy and install an authoritarian regime. If the state does not adjust its conceptualisations or the rich commandeer the state to prevent it from adjusting its conceptualisations, the poor eventually reject the state's legitimacy via a left revolution.

Notably, Boix's account requires that the poor have a genuine capacity to pursue policies that would meaningfully redistribute. If they cannot make the state redistribute, they cannot impose economic costs on the rich that would move the rich to support a right authoritarian alternative, even if the rich believe that such an alternative is viable. Boix claims that as the wealthy become more able to move their assets from one part of the world to another (that is, as capital mobility increases), that wealth becomes more difficult to tax or confiscate.[31] Boix consequently argues that left-wing revolutions have historically taken place in agricultural societies, because land is a highly immobile form of capital and is consequently easy to seize.[32] It follows that in societies with high capital mobility, not only are left-wing revolutions less likely, but the threat of redistribution itself is diminished and therefore it is harder to impose economic costs on the rich that would cause them to support right authoritarianism.

For his part, Polanyi argues that as markets liberalise – by making labour markets more competitive, by stabilising the currency and by increasing free

trade – they put pressure on people.[33] Each of these three things can cause real wages to stagnate or fall. Competition can push wages down, maintaining a stable currency can require us to restrain wage growth, and free trade can expose workers to foreign competition for their jobs and reduce their negotiating power. Polanyi argues that, taken together, these changes commodify people and create social instability. As social instability increases, people become more likely to push for the state to rein these market forces in and subordinate the market to their needs. For Polanyi, this subordination manifests as socialism.[34]

Polanyi argues when markets are 'unreliable to the point of almost total collapse' and when there is confidence in socialism, instead of a class compromise, there is a 'clash' with 'grave consequences'. This clash paralyses the organs of industry or of the state. Under these conditions, fear grips the people, and leadership is thrust upon those who offer 'an easy way out at whatever ultimate price'.

On Polanyi's account, an acute crisis requires both a severe lack of confidence in the extant system – it must be 'unreliable to the point of almost total collapse' – and the perceived possibility of a viable alternative like socialism. These are both conditions Scheidel explicitly rejects – he claims that modern state structures are too deeply entrenched to collapse and he believes that left-wing movements are not offering a viable alternative.[35]

At respective stages, Boix and Polanyi both claim that the US and the UK in the 1930s did not meet their respective criteria for regime change. Today, these countries meet these sets of criteria even less plausibly. So, revolts and revolutions appear unlikely even on the accounts of inequality-driven crises that most heavily emphasise revolts and revolutions as possibilities. However, if something were to change, the possibility of escalation could re-emerge. Following the suggestions of Boix and Polanyi, we could get an acute crisis if credible alternative political systems were developed or the world endured some great cataclysm that annihilated capital mobility, making it easier for the poor to seize the assets of the rich. But as long as democracy remains embedded and capital mobility is undisturbed, acute crisis is likely to remain off the table.

Inequality-Driven Legitimation Shifts

This section combines the insights of the previous two chapters to consider whether inequality can produce procedural reforms that shift the legitimation strategy over time. In a sinking case, procedural reforms do not rectify the gap between conditions and legitimation stories by straightforwardly aligning the two. Instead, they shift the criteria, moving the whole strategy in a perpendicular direction. These shifts can be purposeful or they can occur by accident. Attempts to use reforms to solve the crisis might have unexpected effects on the legitimation stories, gradually shifting the way legitimating abstractions are conceptualised and changing which abstractions are most heavily featured in the strategy.

In the fourth chapter, three specific kinds of procedural reform were laid out. Executive aggrandisers could concentrate power, states could abdicate power to supranational structures, or states could attempt to restore power to the national demos either by reclaiming powers given away or by more widely distributing the remaining powers. All three of these may come into play during an inequality-involving chronic legitimacy crisis. But let us start with the first and the third, as both attempts to restore power to the subjects and attempts to concentrate power in the hands of an executive are attempts to generate policy dynamism.

While procedural reforms may not be able to deal directly with the causes of resentment – in this case inequality – ineffective procedural reforms can for a time create an illusion that something constructive is being done about it. Political actors might expect to benefit, in the short term, from creating these illusions. To create an appearance of having solved inequality, political actors must frame it not as a distributive problem, but as some other kind of problem. Instead of pitching inequality as a difficult problem of material outputs, they might pitch it as a problem of equal political participation or procedural fairness. Once equality has been conceptualised in terms of political input rather than material economic output, it is possible to claim that procedural reforms meaningfully align the state's behaviour with its legitimation stories, using greater equality of input to cover for greater inequality of output.

A portion of the inequality literature has become interested in 'responsiveness' – the extent to which democracies respond to the political preferences of different cohorts of voters.[36] By focusing on responsiveness, this portion of the literature orients solving strategies around attempts to enhance the strength of the connection between the policy preferences of poor voters and the actions of politicians. This emphasis is echoed in Stiglitz's work, which heavily emphasises campaign finance law and voter turnout, and these same procedural reforms were heavily emphasised by Bernie Sanders.[37]

But while many of these theorists think that these input reforms would in some way eventually impact the output distribution, it is not obvious that this is true. Scheidel expresses his characteristic scepticism, both about the ability of political actors to pass these reforms and about their ability to deliver sustained levelling without violent shocks.[38] Fukuyama notes how thoroughly vetocratic the United States and the European Union have become, making it difficult to envision how even modest input reforms might be enacted, much less the output reforms.[39] Political scientists Christopher Achen and Larry Bartels argue that voters often do not vote in a way that aligns with their stated policy preferences in the first place.[40] Jacob Hacker and Paul Pierson argue that without civil society organisations to structure voting behaviour, voters are likely to be led astray about the causes of their problems.[41] All of these accounts suggest that procedural reforms that make the electoral system more procedurally fair

may not produce any real change in the material distribution. Doubts about the ability to deliver levelling with procedural reforms in the United States are reinforced by the existence of states such as the UK and Australia, which have very different electoral laws from the US but nonetheless have also seen rapid increases in output inequality since the 1980s.[42]

While many proponents of procedural reforms hope the reforms will do something about output inequality, in a sinking case the function of these input reforms is to create the illusion that something is being done about output. By announcing support for campaign finance reform or electoral reform, a candidate or party appears to be interested in radical solving strategies to tackle inequality, mobilising political energy. If the reforms are passed, they may even be able to deliver a brief sense of accomplishment to supporters. If the conceptualisations of equality that are most relevant to legitimacy in democratic societies become related to political input rather than material output, these reforms could be genuinely legitimating in the long term, and potentially constitutive of a successful legitimation shift. But if these conceptualisations do not shift, perhaps because subjects increasingly focus on folk legitimation stories to do with prosperity, or because the state's political education apparatus is too weak to shift subjects' conceptualisations of equality effectively, these reforms will not solve the crisis. Instead, they buy time, enabling the system to briefly appear more dynamic and adaptable than it really is by implying that these procedural reforms will lead to material distributive changes that never arrive. The effect is to delay the sinking without moving towards full legitimacy. In other words, these procedural reforms tread water, but they do not result in any swimming.

Consequently, the extent to which input equality can successfully cover for output inequality is quite important for understanding the interaction between inequality and legitimacy. It matters whether input equality or output equality is more important for legitimation (or can become more important over time), and this is not something that can easily be empirically determined ex ante. If input equality is highly effective at covering for output inequality, these reforms might work, if and when they are enacted. Even if input equality is not initially effective, a perpendicular shift in the legitimation criteria (towards inputs rather than outputs) could gradually increase the effectiveness of input reforms for restoring legitimacy.

All this said, as the state leans more on legitimation stories focused around equality of political input, it will also tend to draw more on stories that feature 'standing for' conceptualisations of representation. Both kinds of stories are strong fits for a gridlocked state that has limited policy dynamism. And so, if there is a shift towards equality conceptualised in terms of political input, it will also come alongside the cultural conflicts associated with descriptive and symbolic representation.

If, however, a shift towards input equality and 'standing for' representation does not work, and output equality proves significantly more important for legitimation, the effectiveness of input reforms will be limited and fleeting. If the input reforms do not track the legitimation stories and cannot shift them, they will not be able to resolve the crisis. If they only partially track the legitimation stories, they could act as a temporary stopgap, briefly stemming the tide of resentment only to allow it to swell up again as output inequality holds steady or worsens over time. Having seen input reforms succeed in buying a modicum of legitimacy, democracies might respond to further rounds of crisis by pursuing more intense versions of the input reforms they used in the past. In this way, input reforms could come to resemble an addictive drug. Democracies might require ever greater doses of input equality to offset the same amount of output inequality, and this would be worsened if output inequality is growing rather than merely stable at an elevated level.

Because states have a short-run incentive to implement procedural reforms that partially track their legitimation stories even if they do not fully do so, this is the scenario in which these reforms are most likely to have cumulative, long-run effects on the viability of the democratic system. Reforms that buy time but do not solve the crisis can lead to legitimation dead ends. For instance, reforms in pursuit of input equality might distribute political power so widely that it becomes impossible to marshal an adequate amount of it to do anything, rendering the system totally vetocratic and leaving the democracy mired in insurmountable gridlock.

Additionally, excessive pursuit of input equality could influence the way liberty is conceptualised, promoting legitimation stories that focus more closely on what Benjamin Constant calls 'ancient liberty'. In this scenario, liberty would be conceptualised in a manner that centres political participation itself as the focal point of life, to be pursued for its own sake. This could deeply upset those who prefer other conceptualisations of liberty, igniting a new round of crisis in that part of the tree.

Constant is concerned about an excessive fixation on political participation even in the context of a property-owning democracy. But in a democracy with large-scale output inequality, the resources necessary to participate in other areas of life are limited for most subjects. A democracy that gradually closes access to other realms while opening political access to compensate for this would gradually compel its subjects to seek self-actualisation in the political realm. This means other psychological needs that would ordinarily be met in other domains of life would seek political expression and satisfaction.

There are many particular reforms that could push democratic politics in this direction, especially if equality of political input is mixed together with a focus on descriptive representation. Specific regions or minority groups can understand inequality as a condition in which they have disproportionately

reduced political input relative to dominant regions or majority groups, leading to pushes for devolution or group recognition. Subjects with fringe political beliefs might advocate changes to the electoral system that make it easier for small parties to win seats. Partisans might try to change their parties' candidate selection rules to give members or primary voters more weight in these decisions. A full accounting of all the input reform proposals that could conceivably have this effect is beyond the scope of this discussion – suffice it to say that there are a great many proposals that could over time generate hyperpolitical orientations in subjects, if equality of political input becomes the focal point of shifting legitimation criteria.

It is possible that, to varying degrees, these shifts in the legitimation strategy are already underway. Some of these reforms have already been enacted. Perhaps the most suggestive example is the development of the American political parties, which adopted the modern primary system in the aftermath of the 1968 presidential election. The primary system gets the ordinary voter much more involved in candidate selection than was previously possible in the United States or in any other plausibly embedded democracy. While Marty Cohen and colleagues argued in 2008 that the American political parties still retain internal coherence after these reforms, the last decade has been a difficult one for this thesis, as insurgent candidates have made their way into not merely presidential primaries but also down ballot races, culminating in the election of Donald Trump and the strong but ultimately unsuccessful insurgent run by Bernie Sanders.[43] Today both Democratic and Republican parties are host to an immense amount of internal division, making it more difficult for either one to govern even with control of the presidency and both congressional houses, much less without one or both. Perhaps an early harbinger of this is the fact that the first speaker of the House to have been initially elected to Congress through a primary was Newt Gingrich – often identified as an early adopter of the more adversarial style common in contemporary American politics.[44] These reforms, made initially with the intention of promoting input equality, might be making American democracy more vetocratic, and they have not yet produced any sustained reductions in output inequality. Indeed, it was in the years after the modern primary system was adopted that top 1 per cent wealth and income shares began once again to increase. The primary system does not satisfy procedural reformers, who demand that the parties go further – that American primaries be opened to independent voters, that there be further campaign finance or electoral reform, that the Supreme Court should be expanded and packed with loyalists or abolished, and so on.

Importantly, these procedural reforms are all pitched as consistent with democracy. They must be pitched as internal to democracy, because those who seek input equality hold input equality and democracy to be largely synonymous. So, as long as the solvers are pursuing reforms of this kind, they cannot contemplate escalating the crisis to the acute level – they cannot contemplate

any form of revolt. Non-democratic political systems would violate the very legitimation stories that are being cultivated in campaigns for reforms that deliver equality of input or the appearance of the same. So, the more democracies emphasise input equality, the more difficult it is for the crisis to be used to push for change in the political system – the shift in legitimation criteria is towards input equality, and that conflicts sharply with reforms that centralise power in the hands of particular actors or parts of the state. This would prevent executive aggrandisers from behaving in a transparently undemocratic fashion, instead having to frame themselves as consistent with – or better yet, an expression of – input equality as a democratic value.

This is not to say that it is impossible for executive aggrandisement to take the lead, exacerbating inequalities of input in a bid to empower a political actor or body of actors to pursue policies aimed at attacking inequalities of output. Different political actors can trade on the language of equality to legitimate their own power grabs. They can plausibly claim that the real solution to the crisis is blocked by their own lack of access to political power. The electorate would then become steadily more accustomed to greater levels of tyrannical behaviour on the part of particular political actors and parts of the state, shifting the legitimation strategy in an authoritarian or illiberal democratic direction without the sharp turn associated with acute shocks.

The key thing is that aggrandisement and input equality do not easily travel together. The former precludes the latter and vice versa. The more one is present, the more the legitimation strategy shifts in a direction that restricts space for the other. The end result of aggrandisement is clear – the slow concentration of power in the hands of one actor, and the normalisation of that concentration over time, through shifts in the legitimation stories. But input reforms – and there have already been some of these – lead in a very different direction.

The pursuit of equality of input could result in a long series of procedural reforms, each of which further entrenches the commitment to input equality and thereby the loyalty to democracy, all the while eroding dynamism and governability. As Streeck puts it, subjects are 'fobbed off' with the democratisation of institutions that 'have no power to decide anything'.[45] The pursuit of input equality compensates for the delegitimating effects of output inequality at the cost of further eroding dynamism. This makes it unlikely that input equality can be used to secure legitimacy in place of output equality, if output equality is deeply important to legitimacy. The tendency will be to become dependent on input-oriented procedural quick fixes and eventually to overdose on them, creating newer, bigger, worse state capacity problems. That said, while reforms that target input inequality cannot take care of output inequality, they do make it much harder for output inequality to produce an acute crisis, protecting democracy and avoiding full-scale delegitimation. They also increase democracy's resistance to aggrandisement.

Legitimation-Shifting with Supranational Structures

Reforms that cede power from the nation-state to supranational structures enable nation-states to deflect political responsibility for inequality onto the supranational system. This can be done by straightforwardly blaming the supranational system for imposing unwanted economic policies, or it can be done by blaming the supranational system for doing other things that are perceived to have caused the crisis, such as allowing larger amounts of immigration or labour mobility. Having transferred power to the supranational system, the nation-state is free to defend its own legitimacy by attacking the legitimacy of the supranational structures to which it now defers.

Consider Britain's relationship with Europe. Politicians from across the spectrum alleged that the EU was the obstacle to domestic policies that might otherwise address resentment. Labour Leave, for instance, explicitly blamed the EU for economic inequality on its website, claiming that Middle England had been 'ripped apart by three decades of growing inequality'.[46] Others, like Nigel Farage, pitched the crisis as one of uncontrolled immigration and blamed the EU for inflicting this immigration on Britain.[47] In both these cases, political actors used the crisis to seek the restoration of vacated national powers while at the same time distancing the nation-state from responsibility for the way its powers had been used. This shores up the legitimacy of the nation-state at the expense of the legitimacy of the supranational system. If the supranational system is not democratically responsive and the nation-states are telling subjects that the supranational system ties their hands, the subjects become confused about where they might effectively make political demands.

Unable to make effective demands directly to the nation-state and unable to get the attention of the supranational system, subjects are pushed to advocate procedural revisions to the relationship between the nation-state and the supranational system. For the subject to be heard, either power must be restored to the former or the latter must be rendered more responsive.

Piketty's solving strategies largely fit the above description. When Piketty argues that inequality requires a global – or at least regional – wealth tax, to deal with attempts by firms and wealthy actors to avoid tax, he is making demands on the supranational structures.[48] He says that if these reforms are impossible, states ought to reintroduce capital controls, thereby taking back some of the power they ceded.[49] But Scheidel finds the global wealth tax downright 'utopian', and he has no faith in the rest of Piketty's suggestions.[50] Scheidel believes the global and regional wealth taxes will not be implemented, and he believes lesser domestic reforms will either fail to pass or fail to sufficiently reconfigure the distribution.

Why are Piketty's proposals so unrealistic? First, it is difficult for subjects to demand global and regional wealth taxes if they believe global and regional systems lack the legitimacy to implement these policies. The nation-states are

hard at work delegitimating the supranational system to avoid coming under fire themselves, and that prevents the supranational structure from trying to take on a larger role. Second, nation-states often point out that supranational structures limit their ability to do things that are technically within their power but very costly to introduce – like capital controls. The economic rules created by supranational systems generate expectations that nation-states will follow these rules, while the capital mobility facilitated by supranational structures makes it easier for wealthy actors to threaten states with capital flight if states break the rules. As inequality increases and the rich get richer, wealthy actors develop more demanding legitimation stories and a greater ability to hold states to these stories. Increased capital mobility both induces wealthy actors to expect that capital will remain mobile and gives them the tools they need to defend that mobility, if it is politically threatened. This means these wealthy actors are able to impose deep and immediate costs on states if states attempt to regain their vacated powers or clamp down on capital mobility. Dynamic state action comes at the expense of credibility.

This in turn means that the legitimation costs of restoring national economic power might, at least in the short run, exceed the benefits. Streeck claims that restoring powers while meaningfully opposing inequality might require states to act 'at the expense of social peace and growth'.[51] Peace and prosperity are important legitimating abstractions. Threatening these things in a bid to meet inequality-related expectations may just relocate the crisis.

Reducing inequality requires states to revise and/or challenge supranational structures. Revising or challenging supranational structures involves violating the demanding legitimation stories favoured by rich and powerful subjects. Violating the expectations of rich and powerful subjects causes those actors to disrupt peace and prosperity. In so far as peace and prosperity are relevant legitimating abstractions, then attempts to deal with a legitimacy crisis caused by rising inequality will trigger legitimacy crises related to disruptions to peace and prosperity. Very quickly, then, a legitimacy crisis that begins as one of inequality can be transformed into one tied to stories related to peace or prosperity, producing a perpendicular shift in the legitimation strategy away from distributive output and towards these other things. This perpendicular shift can be induced by rich and powerful subjects if states appear likely to do anything that would meaningfully affect the distribution of wealth and income or curtail capital mobility.

In sum, the ceding of economic decision-making to supranational structures has an array of effects that are difficult to reverse. If supranational structures enhance capital mobility, they risk inducing rich and powerful subjects to construct legitimation stories around the continuation of this mobility. At the same time, enhanced capital mobility will tend to exacerbate inequality and expand the power of these already powerful subjects, giving them considerable ability

to defend this expectation by creating conditions that make the state appear to fail to meet other expectations, like peace or prosperity. Calculating that they have more legitimacy to lose by challenging these powerful subjects than they lose by permitting high inequality, states take no meaningful action and instead deflect responsibility for inequality onto the supranational structures to which they ceded power.

All of this further interacts with the movement towards aggrandisement or further democratisation discussed in the previous section. If nation-states fear challenging or revising supranational structures for fear of antagonising the wealthiest and most powerful actors, they will need to focus procedural reform debates away from the relationship between the state and the supranational structures and instead place emphasis on domestic procedures that do not immediately interact with those structures. Here Streeck's line about being 'fobbed off' with the democratisation of powerless institutions is once again important – if procedural reforms occur at levels that lack the capacity to directly challenge powerful subjects and supranational structures, then they function mainly as a means of moving the legitimation strategy away from output equality and towards other, alternative stories.

There are, then, a variety of ways in which the legitimation strategy might be shifted by procedural reforms, even if these reforms do not address output inequality. These shifts in legitimation criteria rely on states being able to substitute, to some degree, other kinds of stories for the stories related to output equality, at least for a time. If states cannot make this substitution indefinitely or can only induce some insufficient portion of their subjects to make the substitution, they must find a different way forward. There exists one more possibility – the democracy in which the state is forced to embrace Theodor Adorno's final legitimation story, despair.

7

DESPAIR AS A LEGITIMATION STORY

Towards the end of *Negative Dialectics*, Theodor Adorno describes a condition in which subjects cease to believe in legitimating abstractions. The discussion focuses on the loss of belief in God, but it applies just as powerfully to the other legitimating abstractions:

> As the means usurp the end in the ideology swallowed by all populations on earth, so, in the metaphysics that has risen nowadays, does the need usurp that which is lacking. The truth content of the deficiency becomes a matter of indifference; people assert it as being good for people. The advocates of metaphysics argue in unison with the pragmatism they hold in contempt, with the pragmatism that dissolves metaphysics a priori. Likewise, despair is the final ideology, historically and socially as conditioned as the course of cognition that has been gnawing at the metaphysical ideas and cannot be stopped by a cui bono . . . We despair of what is, and our despair spreads to the transcendental ideas that used to call a halt to despair.[1]

If the state is stuck in a chronic crisis for long enough, it begins to appear unable to live up to its legitimation stories. It cannot take actions to align its behaviour with the stories; it cannot solve. It cannot lower the standard of the stories; it cannot settle. It is not possible for the state to fall into acute crisis, because the subjects cannot imagine staging a revolt or revolution that would

yield a more satisfying relationship between the state's acts and its stories. It is not even possible for the state to shift the stories, to find new legitimating abstractions or conceptualisations that are more compelling to subjects. In this scenario, it appears impossible for the state to do anything other than what it does. Its actions are explicable in so far as subjects believe that 'ought' implies 'can', that the state would need to have the capacity to do otherwise for the legitimacy of its acts to be meaningfully challengeable in the first instance. Since the state appears totally gridlocked, with no policy dynamism, it appears that it cannot do other than what it does. There is no longer any sense in issuing political demands, because the state completely lacks the capacity to respond.

Political scientist Peter Mair expresses concern that this is indeed the path down which liberal democracies are headed. As he describes it, subjects feel they have been left with 'what is still called democracy, now redefined so as to downgrade or even exclude the popular component'.[2] On Mair's account, this produces more and more irregular behaviour on the part of subjects. Their fatalism makes them feel their electoral choices do not matter, so they vote flippantly or not at all. Citizens think about politics less, and when they do think about it, they operate on the basis of short-term considerations. Voting behaviour becomes increasingly contingent, even appearing random.[3]

For Albert Hirschman, political action requires 'reserves of political influence'.[4] When despair hits, subjects stop reserving energy for politics and begin distributing that energy elsewhere. Without energy preallocated to the political, it requires 'a much greater campaign effort' to get subjects to do much of anything, and much of what they do they do carelessly, for they do not expect their actions to make any difference to political outcomes.[5]

In Chapter 6, we discussed the possibility that subjects would become hyperpolitical, that they would shift towards legitimation stories centred around equality of political input. But if the shift does not come off, they would move in the opposite direction. Instead of becoming fixated on something like Benjamin Constant's ancient liberty, they would neglect politics totally, allowing the state to exercise despotic power. Constant worries about an impractical attachment to ancient liberty, but he also worries about its opposite – a full embrace of modern liberty, in which subjects become thoroughly ensconced in the private sphere.[6]

But there is a key difference between Constant's retreat into private liberty and the despair of Mair and Adorno. In Constant's story, the subjects accept a liberty-based legitimation story too quickly, with insufficient scrutiny. It is because they love their liberty too much that they neglect the political. In the despair stories, the state is accepted out of a sense of futility. In both cases, there may be a retreat into what liberal political theorists refer to as the 'private sphere'. But in Constant's version, this move into the private sphere is a happy move. Here the retreat is decidedly reluctant. Subjects abandon the political not

because they want to avoid politics, but because they feel it is pointless to try to do it. To be sure, in time this retreat from politics may be reified. Subjects may come to affirm that participating in politics is a naïve, foolish waste of energy. But this is the cynicism of the disappointed idealist, it is the contempt for politics of the person who would do politics if it seemed politics might accomplish something.

If inequality of economic outputs cannot be successfully offset with procedural reforms aimed at equalising political inputs, there are many means by which economic inequality can generate despair. In this chapter we will explore how despair comes about, the private enclaves into which despairing subjects retreat, and the ways in which legitimating abstractions are presented to subjects who are in despair.

The Five A's

Economic inequality can generate despair in many different ways. As it grows, it not only offends against inequality-involving legitimation stories, it also affects prosperity and order. Prosperity and order can be threatened by the growth of economic inequality, in that a large disparity in wealth and power can expose the poor and the weak to adverse conditions. The violation of these legitimation stories will generate five specific species of resentment, which I call the 'Five A's'.[7] These comprise:

1. Anomie
2. Alienation
3. Atomisation
4. Anxiety
5. Absurdity.

Subjects who drop out of the labour force or whose weak incomes leave them in poor positions to form stable households may experience anomie, a sense of purposelessness. Subjects who end up underemployed or in jobs that differ from those they envisioned for themselves may feel a sense of alienation, that they are unable to realise their potential through their work. Subjects with poor work–life balance or who must frequently relocate for work may struggle to make friends or participate in civil society organisations, leaving them with a sense of atomisation, a feeling that they are insufficiently connected to other people. Some subjects worry that even if things are all right, they may not remain that way for long. As inequality increases and labour markets grow more flexible, it is hard for subjects to be sure what might come next, fostering anxiety. Alone or in combination, these feelings may initially drive subjects to make political demands upon the state, but as they realise that the state is unable to respond to these demands, they may feel a growing sense of

absurdity at the fact that their political system is out of tune and unresponsive to their values.

The feeling that the situation has become absurd seems to be a precondition for moving into despair. Before a sense of absurdity sets in, subjects who feel anomie, alienation, atomisation and anxiety may attempt to use the state to relieve these feelings. But once these feelings culminate in a feeling of absurdity, the political system begins to appear not merely as illegitimate or grounded upon ideology, but altogether ridiculous in an all-encompassing sense. A system that appears grounded on ideology is something to struggle against, but a system that appears absurd is difficult to meaningfully approach. When the political system presents as absurd, that is when the subject is ready for political despair.

Prosperity and order-involving legitimation stories are also often violated when the state does try to respond to economic inequality. When the state moves towards some equality-involving stories, it does so at the expense of others. The subjects who believe in contradictory equality-involving stories – or who do not believe in any equality-involving stories at all – often respond to these moves by acting in a manner that undermines prosperity and order. For instance, if Jeremy Corbyn had become prime minister of the UK, he might have tried to defend the interests of the poor by raising taxes to fund new programmes and by looking to push up wages. The subjects who do not share Corbyn's conceptualisation of equality would likely have responded to these policies by trying to move their money abroad. It was for this reason that Corbyn's opponents feared his policies would lead to capital flight, to a run on the pound or on the bond market. Increases in unemployment or inflation would generate more feelings of anomie and anxiety. Corbyn might have used the money he raised to create quality jobs in the NHS or in the university system, and those jobs might have alleviated feelings of alienation or atomisation for professionals in those sectors. But if the economic disturbances had been very severe, the feelings of anomie and anxiety would probably have been stronger and more widespread.

The same goes for policies that operate in the other direction. When Liz Truss became prime minister, she proposed tax cuts that would heavily benefit the wealthy. These cuts would presumably have needed to be funded with further cuts to public services, and this raised the possibility that, going forward, there would be a collapse in public service provision accompanied by a considerable amount of strike action. This would have produced a substantial economic disturbance. Bondholders anticipated that the tax cuts were likely to create a worse situation. The pound suffered, and Truss was ultimately forced from office. If the cuts had been allowed to go through, they would very probably have led to severe economic disruption and a considerable amount of anomie and anxiety in their own right.

If there is no legitimation shift towards input-oriented conceptualisations of inequality, the state can easily get into these no-win scenarios, where both action and inaction generate forms of resentment. Since these forms of resentment cannot culminate in revolution or revolt, they culminate in this feeling that the political system is absurd. It is when subjects feel the system is absurd that they begin to do all the things Mair lays out – they vote flippantly, often for protest candidates, for candidates that traffic in satire and meme magic, blurring the boundary between serious and unserious politics. They become fringe voters: it becomes increasingly difficult to get them to show up, and when they do show up, they vote in an unpredictable, irreverent way. As their faith in the political system falls away and they withdraw their energy from politics, they often attempt to depoliticise their values and realise them in the private sphere.

The Four F's

In the embedded liberal democracies today, there are at least four ostensibly private zones into which despairing subjects may retreat. We can call these the 'Four F's'. They are:

1. Faith
2. Family
3. Fandoms
4. Futurism.

Each of the Four F's comes with particular kinds of mediating structures. If the state cannot persuade its subjects that it is able – or nearly able – to deliver on the legitimating abstractions that feature in their legitimation stories, it can instead seek to persuade them that it is able to create space for other organisations that can do what it cannot. These organisations allow the state to secure legitimacy in a mediated way. Instead of realising values itself, the state creates other, further structures that realise values. In this way, the state tells a legitimation story in which it is legitimate because it creates space for the organisations through which its subjects realise their legitimating abstractions conceptualised in the ways they prefer.

This is not the same thing as saying that the state realises liberty by, for instance, creating a robust public sphere or civil society. If the state tells a legitimation story in which it realises liberty through creating and maintaining a robust public or private sphere, it is still centring its own capacities. It is still the state that is succeeding or failing in realising liberty. For instance, the state may create space for a diverse plurality of churches. When it does this, it can tell several distinct legitimation stories about this situation. It might say that by generating this religious space, it is serving God. It might say that by creating these religious choices, it is advancing religious freedom. But it might also simply say

that it is legitimate because it creates churches, inviting subjects to evaluate the state's legitimacy in terms of whether the churches themselves enable the subjects to realise a diverse set of abstractions. Many churches might emphasise that they help citizens live in accordance with God's will. But if citizens feel that some specific church falls short of that aim, they would direct their resentment at the church in question rather than at the state. In this way, the church mediates the relationship between the state and the subject, by giving the subject a more proximate structure to blame when their preferred legitimation stories are violated. The subject might change churches or start a new church rather than accuse the state of failing to serve God. Voice and exit would be directed at the mediator, rather than at the state. In this way, legitimation is privatised.

Faith is mediated by churches, mosques and other religious organisations. The family is mediated through a variety of structures – not just the nuclear family, but different kinds of households including even the commune. Fandoms are mediated by the entertainment companies, including the film studios, the sports leagues, the record companies, the gaming companies and so on. Futurism is mediated by the tech companies, the companies that manage the internet, that design and build new hardware and software. These mediating structures can aim at liberal and folk legitimating abstractions, but they can also aim at mediating abstractions that state actors themselves would struggle to meaningfully conceptualise or deliver upon. It is enormously challenging for the state to directly give its subjects a sense of family. While subjects can become fans of particular politicians or political parties, there is a much greater plurality of modes of fandom available through the entertainment companies. When subjects begin looking to tech companies to provide them with the sense that they are pursuing a meaningful future, they do this very often because they do not believe the state can do the same.

The Four F's serve as enclaves from the political both in the sense that they offer alternative forms of organisation through which to conceptualise and pursue the legitimating abstractions and in the sense that the abstractions themselves can substantively differ from those that would have formerly been pursued through the state. So, when I say that a subject 'embraces' one of the Four F's or the Four F's more generally, I am suggesting both that they embrace some mediating organisation(s) and that they embrace one or more legitimating abstractions conceptualised through interaction with that mediator or set of mediators.

While many subjects embrace the Four F's in part to escape from the political, it remains the case that the mediating organisations are nonetheless in the business of legitimation. This gives the Four F's a latently political character. The legitimating function of the mediating organisations attracts actors to these organisations who wish to do politics by alternative means, to be state actors outside the state context. The historian Edward Watts observes that

in the fourth-century Roman Empire, faith attracted not merely subjects who wished to withdraw from Roman politics into a spiritual realm, but also political actors who wished to participate in politics from within religious organisations. This applied straightforwardly to the bishops, who used their positions within the church to weigh in on terrestrial matters. But Watts even argues that desert-dwelling hermits used ascetic lifestyles to acquire political influence. One Roman bishop, Athanasius, argued that young men should abandon politics for the hermit's life precisely because of the political power and influence hermits might enjoy upon their return from the desert. On Watts's reading, Athanasius returned the hermit 'to the world as a figure whose radical renunciation of conventional social and personal ties lent him a new, powerful type of authority whose value elites could immediately understand'.[8]

By appearing to withdraw from the political into the world of faith, the hermit can subject the legitimation stories of both state actors and bishops to ideology critique. In this way, the hermit plays the role of a legitimation mediator. State actors and bishops come to rely on the hermit to help them tell legitimation stories, and when the hermits are dissatisfied with the stories and reject them as ideology, this produces intra-elite conflict. Bishops and hermits enjoyed more political influence in late antiquity because the late Roman political system was chronically unable to live up to its legitimation stories. By exchanging the toga for the cloth, Roman political elites could politically activate parts of the population that were in political despair. In this way, despairing Romans were led back into the political through faith, and through a new legitimating abstraction – 'God', in the singular.

We see similar dynamics at work in *The Arthashastra*, an ancient Indian political text that repeatedly cautions Indian kings not only about the influence of the Brahmins but about the influence of wandering ascetics. The text often describes ascetics as 'heretics'.[9] In many cases it suggests that those who adopt the ascetic lifestyle are not true ascetics at all, but merely ascetics 'in disguise', using the mask of asceticism to engage in espionage and even murder. At the same time, because these ascetics are heralded in Hinduism, it is difficult for the king to simply dismiss them without undermining the faith-based legitimation stories that cannot be told without them. The widespread belief that the presence of ascetics shows that the state has sincere religious commitments is what makes them so effective as spies. The stronger their non-political credentials, the more essential they are for telling legitimation stories. The fact that these ostensibly non-political actors are politically indispensable offers them a valuable cover they can use to engage in precisely the very activities they pretend to be above.

In contemporary embedded democracies, faith will simultaneously attract subjects who would otherwise despair over the state of democratic politics and political actors who wish to use faith to politically reactivate these despairing

subjects. Many religious leaders will straightforwardly use the resources of their religious organisations to participate in struggles over the form of the legitimation strategy, over the specific abstractions and conceptualisations that are used and the degree to which some abstractions and conceptualisations are prioritised at the expense of others. At the same time, there will also be organisations and spiritual leaders who frame themselves as spiritual but not religious, who do not simply use the church to intervene in the state but who use personal charisma and alternative forms of organisation to intervene in the churches or, in some cases, in politics directly.

But faith will not be as effective in the twenty-first century as it was in fourth-century Rome, because in fourth-century Rome it was used to articulate a new, distinctive legitimating abstraction – 'God' in the singular. Today, faith does not provide a new legitimating abstraction. Instead, churches and spiritual leaders reconceptualise God in new ways. While it is possible to attempt to breathe new life into God as a legitimating abstraction, it is not possible to make the idea of God new again. This makes it more difficult to use faith to politically reactivate despairing subjects. Still, as despair sets in and it becomes harder to mobilise subjects, even marginal increases in voter participation among sections of the faithful can be of substantial value to political actors, especially in the near term.

In so far as faith is explicitly tied to politics, it becomes a less appealing enclave for despairing subjects. Despairing subjects feel that politics has become absurd, and they will tend to feel that politicised religion is absurd, too. If churches become too explicitly political, despairing subjects become jaded about organised religion as such. This encourages the proliferation of the 'spiritual but not religious' attitude and it encourages further retreat out of the faith zone and into one of the other F's.

As subjects despair about the political, they tend to become especially frustrated with the structures that are furthest from immediate reach – the national and supranational structures. In Chapter 6, we briefly touched on the tendency for the state to attempt to achieve a legitimation shift through devolution, through democratic procedures that emphasise locality. In a similar sense, large-scale mediators, such as churches, entertainment companies and tech companies, are often less attractive to despairing subjects than families. The household offers enclavism with devolution, and in this sense it is the mediating structure in which the despairing subject can expect to play the strongest direct role.

But in an inequality-driven chronic crisis, it becomes increasingly difficult to generate a sufficiently strong economic base for family structures. This is especially the case for the nuclear family, the structure that is so heavily associated with the middle of the twentieth century, when economic inequality was decreasing. The weakening of the family's economic base compels subjects to

experiment with alternative family structures, increasing the share who live with their parents (as adults), with members of their extended family, with roommates or in communes.[10] As economic inequality continues to increase, these alternative models also become less stable, and there is a general decline in the ability of all family models to shield subjects from the political.

To put this in our parlance, as a legitimating abstraction, 'family' depends too much on 'prosperity' to be relied upon to play a dominant role in legitimation strategies. It is often too hard for the state to provide the wide and deep prosperity necessary to live up to robust legitimation stories involving the 'family' abstraction. So, while the family is highly compelling to subjects because of the degree to which they themselves can play the leading roles within this highly localised structure, its success or failure is often overdetermined by the economic context. Subjects are invited to directly participate in conceptualising this legitimating abstraction, but they too often find in practice that material constraints heavily limit the set of conceptualisations they can realise through family structures. They often conceptualise the family in a way that leaves them dissatisfied with the forms of household that are in practice available to them.

This resentment forces those who would retreat into the family back into politics, to attempt to demand forms of state support that would enable their robust, demanding conceptualisations of the family to subsist. This comes in the form of political demands for policy reforms that provide marriage rights, child benefit, child tax credits, universal preschool, subsidised childcare, affordable housing, stronger support for public education, concessions on student debt and tuition and so on. If the state can enact these policy reforms, it can once again appear responsive, relieving the sense of despair and mobilising some of its subjects for a time. But if the state is so thoroughly lacking in policy dynamism that it cannot even deliver on these things, family structures decline, as more subjects put off having children indefinitely or pursue other goals that strike them as more realistic. The view spreads that having children is undesirable, because it infringes upon these other, more valuable goals. That view might be a genuinely held and potentially true belief, a form of coping, or both at once.

The fact that the Biden administration could not ultimately extend the child tax credit, subsidise childcare or provide universal preschool speaks against the policy dynamism of the American state, suggesting it lacks the state capacity to sustain family enclaves for subjects in political despair. In the same way, the failure of successive British governments to make housing accessible to young people and young families speaks against its capacities. Because politics inevitably affects the life chances of children, those who embrace the family as a mediating structure will tend to be more engaged in politics than those who embrace the other F's. In this way, the family is a less total form of retreat from the political than many alternatives. But if the state cannot support families,

despairing subjects who are unable to form stable families of either the nuclear or alternative varieties are likely to move into enclaves that are further estranged from the political, like fandoms.

Corporations as Mediators

Embedded democracies create space for a diverse plurality of entertainment companies. These companies create, for instance, entertaining film franchises. If the entertainment companies can persuade subjects that being a fan of these franchises is an important component of their identity, they can pledge to deliver on the realisation of this identity through the extension of the franchises. A subject who would be in despair might instead become a diehard fan of Marvel or Star Wars or Harry Potter. This fandom would at the very least moderate feelings of despair, and depending on the seriousness of the fandom it may delay despair, perhaps even indefinitely. But in this scenario the state becomes, in an important sense, dependent upon the companies for legitimation. Only through the companies can the subjects realise themselves as fans. If the state were to attempt to take on this task itself, it would find this very challenging. The fans would be suspicious of the state's attempt to make the films itself. It is in part because the fans lack confidence in the state that they invest so heavily in the entertainment companies.

When a mediating organisation is contributing to the legitimation of the state, attempts by the state to control that organisation can undermine the diversity that mediation contributes to the state's legitimation strategy. For instance, when Florida governor Ron DeSantis attempts to compel the Walt Disney Company to produce films that align with his preferred legitimation stories, he risks disrupting legitimation stories that Disney fans find compelling. Were DeSantis to succeed in subduing Disney or vice versa, this would come at a cost to the legitimacy of the state.

But if neither Disney nor DeSantis succeed in subduing one another, the legitimacy of the state is strengthened. During an inconclusive struggle, contradictory legitimation stories can be told by different actors at once. A prolonged antagonism introduces impersonal hypocrisy. The conflict between Disney and DeSantis allows both the stories DeSantis embraces and the stories he rejects to be told at the same time. In this way, superficial opposition over the content of the legitimation strategy revitalises the legitimation strategy on a deeper level. The state's legitimation strategy incorporates both the stories Disney tells through its films and the stories DeSantis tells as the governor of Florida.

This might seem like an Althusserian move. We might suggest that Disney, in contributing to legitimation, is in an important sense part of the state apparatus. Viewed through that lens, fights between state actors and these private organisations over which legitimation stories ought to be told have a political character in that they are not just cases in which a narrowly construed state

intervenes in a private sector but also cases where a widely construed state is internally divided over the form the legitimation strategy ought to take. But for Althusser, ideological state apparatuses straightforwardly serve the state.[11] In my account, private organisations perform an ideological function by telling legitimation stories and delivering on them, but the stories those organisations tell often conflict with the ones being told by other organisations or by the state actors narrowly construed, for instance, office-holders like the governor of Florida. It is not that there is a 'ruling ideology', it is that there is a legitimation strategy that incorporates hypocrisy, that benefits from agonism. The strategy is not itself an ideology, because it is not possible for a single subject – or even a single state actor or political theorist – to affirm all of the conflicting legitimation stories that comprise the legitimating strategy in a sincere way. At most, the stories can be affirmed pragmatically and instrumentally, as a means of achieving legitimacy in the functional, order-involving sense. But even then, in most cases political actors and theorists will find themselves unable to accept some stories, and the number of stories that appear as ideology is likely to increase as the number of storytellers expands and the strategy becomes more pluralist and therefore more agonistic and hypocritical.

If Disney was to be regarded as part of the state apparatus, it would be part of the state in the sense in which a duke is part of a feudal kingdom. In the absence of centralisation, a king's legitimacy depends in large part upon mediating aristocrats. The subjects rarely interact directly with the king – indeed, in the absence of coins, they often do not even know what the king looks like. The king's legitimacy depends therefore in large part upon whether the local aristocrats can deliver upon the legitimating abstractions: for example, whether a given duke is able to maintain order by ensuring access to affordable grain. In a large kingdom, the dukes will in turn rely on lesser nobles to act as mediators, and this leads to scenarios in which the peasants revolt in a village not because they reject the king or even the duke, but because they reject some petty baron. Barons can get into conflicts with their dukes, and dukes can get into conflicts with their kings, and often, when things go wrong, the barons, dukes and kings will blame one another, making it difficult for the peasants to direct their resentment in a coordinated way. Sometimes kings will come to the defence of their mediators during a rebellion, but other times kings will pursue legitimacy by blaming their mediators and seeking to punish or weaken them.

In a similar sense, a democracy that uses a company as a mediator may find that the company in turn relies on other mediators. Many companies have divisions and branches focused on different projects. They also rely on magazines, subreddits, YouTube channels, message boards and other structures to communicate with their fans, and these mediating structures give rise to influencers, journalists and tastemakers who promote – or criticise – the companies they are paid to track. Corporate actors get into spats with state actors or with one

another, but they can also get into spats with the representatives of their own affiliated mediating structures. When companies struggle to manage their own affiliates or to otherwise perform their mediating role, state actors may come to their defence, or they may use the situation to weaken the companies' position.

For instance, when Disney makes a Star Wars film, it acts as a mediator, constituting some subjects who might otherwise go into despair as Star Wars fans. But this only succeeds as long as the mediators upon which Disney relies – the people it has tasked with creating the film, as well as the traditional film-reviewers and fan communities online – help Disney frame the new film as a worthy Star Wars film. These mediators conceptualise 'a Star Wars film' in conflicting ways. So, when any new film comes out, some number of fans will regard it as ideological. But those fans will be unsure whether to direct resentment at Disney itself, or at Lucasfilm, the part of Disney that creates the Star Wars films. When representatives of Lucasfilm report to representatives of the fans, they might blame Disney for interfering with their work. When representatives of Lucasfilm report to the Disney high brass, they might blame the fans for being toxic and unreasonable. A state actor, like the Florida governor, might attempt to win votes by championing some portion of the fans against Lucasfilm or Disney or both. And in turn, the governor's political adversaries – both within Florida and within the federal government – may look to turn the situation against the governor and to their advantage, perhaps by championing the perspectives of the fans who did in fact find the new film satisfying or embrace some of the other film franchises for which Disney has made itself responsible.

Entertainment companies are just one kind of mediating structure, concerned with only a small portion of the legitimation stories that are being told. Liberal democratic states draw on a very large array of mediators, many of which tell legitimation stories that state actors cannot themselves tell directly. These mediators frequently rely on other mediators in turn. The number of stories and storytellers is quite large. Deep pluralism extends outside the explicitly political spaces and makes its presence felt in zones in which the presence of the political is often minimised or denied.

Advantages and Disadvantages of Corporate Mediation

The entertainment companies and the tech companies struggle to give the subject the expansive role in conceptualising the legitimating abstraction that he or she has when committed to the family. But fandoms and futurism have a key advantage. It is possible for these companies to constitute subjects as fans or as futurists without making major changes to the economic system. A person who cannot afford a house or children can often nonetheless consume entertainment media, purchase new gadgets and engage with new online applications. It is much cheaper to make a fan or a futurist than it is to make sure all subjects can construct stable family structures of their very own.

Fandoms include the large, mass fandoms – the major sports leagues, the film and TV industries and the music industry, all of which are heavily covered by sports and entertainment media – along with the niche online fandoms that are not large enough to receive substantial media coverage. The large, mass fandoms are easier to politicise. Famous athletes, movie stars and media personalities can and do take political stances, attempting to mobilise their fans in the service of political causes. In this respect they perform a similar function to the bishops and hermits. But the celebrities do not supply new legitimating abstractions, and so, as despair sets in, their political appeals become less effective. In response, some celebrities will calculate that political interventions are unpopular and bad for their careers. Some celebrities themselves will start to politically despair. But if many celebrities continue making political interventions in defiance of the fans' sentiments, fans will retreat from the mass fandoms into the niche online fandoms. In these smaller fandoms, the lack of media coverage reduces the incentive for content creators to take political stances.

That said, given that niche fandoms are smaller and more intimate, it is easier for individual subjects participating in them to derive value from their participation in fan communities. This participation is analogous to political participation and can be a means by which to reintroduce the political. Media professor Mark Duffett argues that fandoms are a way of engaging with the power relations that characterise mass media.[12] It becomes important to fans to ensure that the kind of media they enjoy continues to be produced. This forces the fans to become interested in the way the culture industry works. They start building theories about how companies make creative decisions. They begin trying to use their voices to get the kind of content they want. Prominent figures in communities become representatives of different currents in their fandoms. They take fans' grievances to companies, and they explain the companies' decisions to the fans. But the fans operate at a distinct power disadvantage, and when they are disappointed, they turn on their representatives. Sometimes they threaten to stop consuming content, to exit the fandom. They go through all the forms of political expression Hirschman outlines, but they do it not to change public policy but to get companies to produce the forms of entertainment they prefer.

Literary theorist Hannah Mueller argues that fandoms have always been 'quasi-political'.[13] Even at smaller scales, fandoms become interested in creating and sustaining an 'ideal community'.[14] Often, divisions open up, and fandoms become an 'alternative public sphere', a place where fans discuss their interests and values and deliberate over the procedures they use to moderate their discussions.[15] These discussions and meta-discussions feel more participatory than ordinary political discussions, especially in the early stages, when the fandom is small and individual participants can easily make themselves heard. But they swiftly

replicate the cultural divisions that characterise ordinary politics. Mueller argues that fandoms are characterised by a conflict between 'heterogenous voices' and a 'default fannish identity' that is mostly 'English-speaking' and 'white'.[16]

Entertainment companies may seek to constitute fans as fans, but they will often find that the fans are interested in demanding representation from them. It is difficult for democratic states to deliver on satisfying conceptualisations of representation, and it is nearly impossible for hierarchical entertainment companies to pull this off. Some fans will want a franchise like Star Wars to be descriptively representative, to have a diverse cast and diverse themes that reflect the diversity of values and identities that are important to them. Other fans will want Star Wars films to be symbolically representative, to mirror the values, aesthetics and sensibilities that they feel unite Star Wars fans together. These factions will not get along, and the entertainment companies will often find that a film that satisfies one kind of fan will upset another.

While fans may feel they can vote for and against particular media products with their wallets, entertainment companies are not democratic in any formal sense. But if the democratic state is mired in powerful gridlock, subjects may come to feel that corporate procedures are more responsive than the state's democratic procedures. If subjects are able to persuade themselves that entertainment products matter as much as if not more than public policy, this form of legitimation mediation can help prop up a legitimation strategy that has otherwise crumbled to bits. But in practice it is going to be quite difficult for companies to perform their legitimating function if they are expected not merely to constitute fans as fans but to produce content that represents the fans, that responds to fan preferences that are contradictory and not themselves purely the product of the company's efforts to constitute the fans in particular ways.

This puts entertainment companies in a predicament. They often succumb to frustration, lashing out at fans for their toxicity, for their temerity to demand that the companies satisfy the legitimation stories they take to be important. Corporations can acquire political influence, but when they find that their fans have sharply contrasting visions for what counts as proper legitimation, it can become difficult for them to keep their own houses in order, much less effectively compete for power and influence with other mediating structures or with the state proper.

It may sound a bit silly when fandom-based legitimation stories are explicitly spelled out. For some fans the Walt Disney Company is legitimate in that it constitutes them as fans by producing 'Star Wars films'. This abstraction is understood through a variety of conceptualisations of what it means for a film to be 'Star Wars', and to a significant degree Disney itself plays a role in shaping how the abstraction is conceptualised, by encouraging the fans to understand what Star Wars is about in particular ways. For other fans, Disney is legitimate in that it makes them feel represented through the Star Wars films it produces.

Disney secures the legitimacy of the state, in so far as the state can position itself as preserving the space in which Disney can provide Star Wars films or films that represent the fans in some sense. Critical theorists will no doubt point out that these kinds of legitimation stories are, from many normative perspectives, infantile. But that does not mean they do not perform the legitimating function, that they cannot be part of the state's legitimation strategy. For some subjects, seemingly infantile legitimation stories are more effective than sober, sophisticated ones. Some subjects are drawn to legitimation stories that are escapist in character because they are trying to avoid feelings of despair. The escapism is part of what makes these stories functional.

Tech companies can also step into this role, promising to provide the future that the state lacks the capacity to deliver. Futurist legitimation stories are often explicitly constructed around 'the future' as a legitimating abstraction. Different tech companies conceptualise the future in different ways, and therefore tech companies can produce a genuine variety of legitimation stories, with new companies telling new stories all the time.

The future is, however, a broad enough abstraction that it can easily be conceptualised in ways that appear not merely ideological, but downright dystopian. Very often it will need to be used in combination with other legitimating abstractions. By tying it to these other abstractions, it becomes possible to conceptualise the future in more concrete ways. If the state cannot deliver on prosperity now, a tech company can promise a prosperous future. But this, in turn, creates other vulnerabilities, for it makes the tech company dependent on further legitimating abstractions that can be conceptualised in demanding ways.

If tech companies want to avoid having to make more specific commitments about the future, they will instead draw on the charisma – or perhaps even the *auctoritas* – of the particular billionaires with whom they are associated. Here the subject does not get an account of precisely what the future will be like. Instead, they are assured that this future is being crafted by a charismatic genius. The story works not by delivering a specific conceptualisation of the future, but by ostensibly tying whatever actual future the company concretely promotes to the will of this charismatic genius figure.

For instance, there are some number of Americans who believe in a particular legitimation story told by the Tesla corporation. In this story, Tesla's acts are justified because they are contributing to a future that has been foreseen by Elon Musk, who is ostensibly a charismatic genius. This story allows Musk to change the conceptualisation of the future espoused by Tesla at will. As long as the subjects believe that Musk is a charismatic genius, they will accept whatever conceptualisation of the future he chooses. Tesla's legitimation story is vulnerable, in that Musk could die or be disgraced. But there are other billionaires who offer competing, similar legitimation stories, like Jeff Bezos or

Mark Zuckerberg. From the point of view of the state, any of these tech billionaires can perform the legitimating function, alone or in combination. When Steve Jobs died, there were other similar figures available to play the same role.

These billionaires do not have to offer legitimation stories consciously or purposely. It is often in the ordinary business interest of these billionaires and their corporations to behave in a manner that induces subjects to adopt futurist legitimation stories. Public enthusiasm for a corporation and its billionaire boosts stock prices and dividends and makes shareholders happy. Belief in futurist legitimation stories will sometimes inspire subjects to become highly skilled and motivated employees of these tech companies. Because there are ordinary business reasons to generate these legitimation stories, particular tech billionaires are sometimes surprised by the degree to which they have become de facto political actors. Many tech billionaires want to position themselves as non-political or even anti-political. The politicisation of tech billionaires can invite unwanted scrutiny by the press and by the state. Billionaires can accidentally, in the pursuit of a good public image, stumble into quite a mess.

This, arguably, is what happened to Mark Zuckerberg, the founder of Meta, formerly known as Facebook. When Facebook became a political football after the 2016 US presidential election, Zuckerberg was horrified to find himself at the centre of controversy. David Runciman describes Zuckerberg as having bumbled his way into politics:

> Facebook – starting with Zuckerberg – has expressed genuine surprise at discovering how its technology can be used to spread fake news. The architects of its system are stumbling across its pitfalls with the rest of us. There is every reason to believe Zuckerberg when he says he wants to make the manipulation stop. He didn't intend for it to happen. That's the problem: no one did. It is just a side effect of being in the advertising business.[17]

In the immediate aftermath of this, Zuckerberg seems to have briefly entertained the idea of running for president.[18] But he quickly figured out that this political attention was less an opportunity than a liability. The more political the tech billionaires get, the more their genius credentials come under scrutiny. The charisma of the tech billionaires depends on the widespread belief that they are geniuses – that they are, in fact, very smart. Because politics in embedded democracies is deeply pluralistic and riven with conflict, any attempt by these billionaires to do politics generates attacks on their intelligence, along with attempts by regulators and trust-busters to make a mess of their business empires. The effectiveness of the tech companies' legitimation stories therefore depends in large part on their willingness to stay in a mediating role. If they try to use the legitimacy they have cultivated to displace the state, their legitimation

stories stop benefitting state actors. At that point, these state actors do everything they can to turn the other heads of the hydra on the company or billionaire in question, shifting the legitimation strategy away from mediation by that company or by that billionaire. Because the state has many different companies and billionaires that can serve as mediators, it is relatively easy for it to humble any given company or billionaire who starts to get ideas. It is for this reason that companies and billionaires will strive to avoid getting politically isolated, by making alliances with state actors. But the more the companies and billionaires rely on state actors for protection, the harder it is for them to develop alternative power bases. For these reasons corporate legitimation stories will tend to fold into the state's legitimation strategy and these corporate organisations will tend to play a mediating role rather than provide an outright alternative to the state.

The idea that a given corporation or billionaire has a revolutionary conceptualisation of the future can, if believed by subjects, inspire them to commit themselves to futurism. But this is only a problem for the state if the conceptualisation is genuinely revolutionary, and it is often possible to adopt a revolutionary aesthetic without revolutionary substance. In recent years, many in the tech sector have suggested that one day soon, they will create a form of artificial intelligence that will come to dominate human life. They allege this 'singleton' or techno-Caesar will sweep away human institutions and structures.[19] Some technology writers are excited about this possibility, framing it as revolutionary, while others warn state actors of the dangers this technology ostensibly poses.[20] But in the absence of a form of artificial intelligence that can actually displace the state, the idea of such a thing mobilises some subjects to become futurists and to commit themselves to working in the tech sector. They want to be part of this revolution, but as long as this technology exists only in the future, their 'revolutionary' work remains quietist.

Despair and Shifting as Two Faces of One Strategy

As the state devolves responsibility for conditions onto the mediating structures, this allows even more of its powers to leak away, further reducing its policy dynamism and state capacity. The state's powers can be eroded by procedural reforms that transfer powers to supranational structures and by procedural reforms that devolve power to localities, but they can also be eroded by an increasing reliance on legitimation mediators to manage subjects that are attempting to hide from the political in enclavist zones.

In this way, despair leads to a new round of legitimation-shifting at a different location within the social structure. The conflict is kicked into the private sphere. Instead of arguing about whether the state is legitimate, subjects become enmeshed in a series of conflicts about which companies and which billionaires are telling the right stories and which are telling the wrong ones. Because particular companies and billionaires can be disgraced without undermining the

legitimation strategy of the state, this despair-fuelled shift allows subjects to revolt against particular billionaires and corporations – by, for instance, boycotting their products – without putting themselves at any personal risk and without endangering the state.

This becomes a way of processing the resentment that despairing subjects feel. Instead of pouring this resentment into revolution or revolt, it can be let off in a series of lower-stakes struggles over corporate products and personalities. It is the inability of some subjects to buy into legitimation shifts that leads to despair, but this despair can then be redirected into a new form of shifting that differs from those forms the subjects initially declined to take up.

This means that, as the chronic legitimacy crisis develops, it produces four different positions. Different subjects may hold different positions at different points in their lives. Let us associate each of these positions with a kind of mood:

1. The 'conservative mood' belongs to one who, despite the crisis, continues to affirm the legitimacy of the state as it stands, based on pre-existing legitimation stories. The conservative does not require a shift. If anything, legitimation shifts designed to manage the crisis threaten to disrupt the legitimation stories the conservative affirms.

2. The 'liberal mood' belongs to one who loses belief in the pre-existing legitimation stories, but who can be made to affirm these stories if there is a shift in the way the legitimating abstractions are conceptualised. The liberal has educational access to new conceptualisations of existing legitimating abstractions, and will happily adopt new conceptualisations of the abstractions that make up the liberal triad.

3. The 'negative mood' belongs to the doomer, one who loses belief in the pre-existing legitimation stories but cannot be made to buy into first-order legitimation shifts concerned with reconceptualising the liberal triad. The doomer either lacks access to legitimating abstractions or, through the influence of critical theory, will not accept conceptualisations of the liberal triad that fit into a workable legitimation strategy. They embrace a form of political despair. For the doomer, the state is legitimate purely because they believe it cannot do or be anything other than what it does and is.

4. The 'enclavist mood' belongs to one who will not accept any of the above, and therefore retreats into one or more of the Four F's. The enclavist uses private legitimation mediators to escape the negative feelings associated with despair, embracing a second-order legitimation shift through this set of mediators.

Often subjects will take on each of these moods in stages. A subject who initially affirms pre-existing legitimation stories will have those stories disrupted. That subject will then try to accept new conceptualisations of the abstractions with which they are already familiar. When those stories also lose plausibility, the despair story is embraced. But because believing in the despair story is psychologically painful, the subject then retreats into second-order shifting through legitimation mediators.

But there will also be subjects who start with a set of folk legitimation stories that the state has less direct ability to influence, because they have limited access to the abstractions that make up the liberal triad. If those stories are disrupted, then there can be despair, and when the despair becomes untenable, then there can be a second-order shift. These subjects skip the liberal mood, moving directly from the conservative to the negative.

These are just a couple of possible journeys. There are others. The upshot of all of this is that it is very hard to end a chronic crisis once it has really begun to set in. States can prolong chronic crises repeatedly by using both first-order and second-order legitimation shifts, alone and together, to prop up legitimacy for diverse subjects in diverse ways. Despair itself can work as a legitimation story, or at least as a legitimation stopgap. Despair and legitimation shifts may not be enough to restore full legitimacy, but they can prevent a slide into liminal legitimacy, into acute crisis.

The critical theorist – who wants a revolution – is tasked with getting large numbers of people to affirm alternative legitimating abstractions and/or conceptualisations. But the critical theorist is at a deep disadvantage, in that they lack the resources of the state and of the legitimation mediators. In the twentieth century, critical theorists tried to build critical mediators, like trade unions, workers' parties or universities, as tools for propagating radical abstractions and conceptualisations. But these mediators were unable to deliver revolution in the United States or the United Kingdom, even during periods when there were alternative political systems that could plausibly appear viable. In recent decades, these critical mediators have been increasingly penetrated and appropriated by actors who are interested in maintaining legitimacy and preventing acute crises. The abstractions and conceptualisations that critical theorists developed have themselves been increasingly shifted. They have been robbed of their critical aspects and made into effective contributors to the state's legitimation strategy.

The attempts by twentieth-century critical theorists to delegitimate the state through ideology critique instead spur the state to develop a more sophisticated and intricate legitimation strategy. The critical theorists may hack away at the legitimation hydra's many heads as aggressively as they like, but this only succeeds in driving the state to generate more. By challenging the state, they make the state harder to challenge. In this way, critical theory is appropriated by the state.

But the privileged hirelings of the state should find little comfort in this. For the cost of developing the hydra will prove steep. The state will have paid for these additional heads by sacrificing policy dynamism, by allowing state capacity to dwindle. This will leave the state unable to address serious problems. In so far as the chronic crisis is a long-term crisis, it is a crisis that is likely to end not with full legitimacy or revolution, but with some form of catastrophe brought about by the inability of the state to act at pivotal moments. If the crisis goes on, there will be more and more speculation about the form this catastrophe could take. More entertainment content will be made depicting every form of apocalypse. Subjects in the negative mood or in the enclavist mood may desire or fear this cataclysm, depending on how they feel about being forced out of the pit of despair, out of their enclaves, and made to confront real politics with real stakes once again. It could be kicked off by a war, or a pandemic, or a natural disaster, or rogue AI. When it comes to catastrophes, your guess is as good as mine, perhaps better. All I can say about this is that if there is a catastrophe, a state mired in a chronic crisis will struggle to muster the state capacity to meet it. In so far as these capacity problems are exacerbated by procedural reforms aimed at achieving legitimation shifts, states will fall not because they lose legitimacy, but because of the things they do to regain it or to carry on without it. Declining state capacity turns the chronic legitimacy crisis into a legitimation trap. When the door swings shut, the state is stuck. A sitting duck, waiting for whatever comes.

CONCLUSION

EMBEDDED DEMOCRACIES IN THE TWENTY-FIRST CENTURY

Deep pluralism ensures that no one mood dominates the chronic crisis. In Chapter 5, we considered what happens when first-order shifts work, with the liberal mood getting the most emphasis. In Chapter 7, we considered a scenario in which a plurality refuses first-order shifts but accepts second-order shifts, with the enclavist mood coming to the fore. But if it became possible to get subjects to settle for less demanding legitimation stories, the conservative mood would be emphasised. And if, ultimately, neither the first nor the second legitimation shift persuades very large numbers of subjects, the negative mood would become the most pervasive. In all likelihood, different subjects will feel different ways, and all four moods will be present in the same society at the same time. Individual subjects will tend to surround themselves with others who are in the same mood they are in, and so these moods will tend to be not just moods, but lenses through which democracy is viewed. This means that the crisis will look fundamentally different depending on which mood one is in. In arguing that despair is the final ideology, Theodor Adorno seems to suggest that the negative mood is the one that immediately precedes revolutionary subjectivity. To explore the most extreme possibilities, in this conclusion I will examine this crisis through the lens of the negative mood.

At one stage, Adorno suggests that despair involves rejecting not only the menu of ideologies, but the whole mode of thinking that gives rise to the menu. In this way, dialectics is turned against itself.[1] The legitimation hydra exists to perform an instrumental function – to maintain an order that safeguards

survival. But the doomer is no longer sure that survival is a worthwhile objective. If we develop a negative attitude to existence itself, it becomes possible to turn against not just this order but 'order' in the abstract sense. In this way, the doomer moves beyond the ordinary critical attitude of the radical liberal, libertarian or anarchist. These oppositions to the state's order are motivated by a desire to live better. Doomers are not sure they wish to live at all. It is in this sense that the revolutionary subject has nothing to lose but their chains. It is not that the doomer literally has nothing – in the US and UK doomers can still enjoy a high standard of living well above subsistence level. It is that the doomer regards this something as a nothing or even as a less-than-nothing.

But this move from despair into revolutionary subjectivity does not go through straightforwardly. The doomer does not necessarily respond to despair with revolutionary activity. In 21st-century environs where modern civil society organisations are in decline, doomers are not often organised in a manner that enables them to take meaningful collective political action of the revolutionary kind. Atomised doomers are not in position to assault order. Confronted with their limitations, doomers can take different paths. They can withdraw from active life, following the path of asceticism. They can adopt an anti-natalist stance, declining to replace themselves. In extremis, they can commit suicide, either immediately or gradually by means of an adopted lifestyle.

If revolutionary action is blocked and asceticism, anti-natalism and suicide are too unattractive, the doomer can straightforwardly embrace one of the other moods as a kind of coping mechanism. The enclavist mood is the straightforward alternative. But it is also possible for the doomer to return to the conservative or liberal moods, albeit with a changed countenance. Prior to despair, the subject embraces the conservative or liberal mood authentically, substantively committing to either the original legitimation stories or to the legitimation stories associated with the first-order legitimation shift. But after the confrontation with despair, these legitimation stories appear as ideology. Should the subject nonetheless adopt the conservative or liberal mood, the subject adopts these moods instrumentally, so as to enable coping and thus survival.

It may even be possible for the enclavist mood to be embraced in this way. For Adorno, pragmatist subjects embrace God instrumentally. They cannot believe in God in the way that pre-enlightenment subjects believed, but they can adopt belief in God for the purposes of protecting themselves from the consequences of this loss of belief. Because the abstraction of 'God' is to be affirmed for its own sake and not for any instrumental purpose, pragmatically embracing God is still, for Adorno, a form of denial – pragmatism corrodes the kind of metaphysics in which the God abstraction has vitality.[2]

In the same way, the post-doomer can perform belief in legitimation stories, but at a cost to the meaningfulness of the legitimating abstractions involved.

Once subjects are affirming these abstractions for the further purpose of enabling survival, they are not actually committed to them in the way they once were. If they care about liberty because caring about liberty enables them to survive, they cannot say with Patrick Henry, 'Give me liberty, or give me death!' Rather they say something like, 'Let me believe I have liberty so that I might find a way to affirm the order in which I am inextricably bound.' The post-doomer might conceptualise liberty in what appears to be the same way as the pre-doomer conservative – both might affirm liberty as non-interference, for instance – but while the conceptualisations of liberty appear identical, the attitude driving these conceptualisations could not be more different, and this leads to different action.

The attitudinal difference will make its presence felt in a pronounced lack of reverence, a tendency to espouse legitimating abstractions while at the same time taking the abstractions one affirms not entirely seriously. The post-doomer has seen the sense in which these legitimating abstractions can appear as ideology. This appearance cannot be forgotten, and it gnaws at post-doomer politics. It is visible in the moments of irony, in the memes, in the lapses of decorum. The pragmatic, ironic post-doomer is above all things insincere.

The insincerity of the post-doomer allows for a greater level of hypocrisy. If subjects are embracing values instrumentally, for the purposes of surviving, it is not particularly important whether these values fit together into coherent comprehensive doctrines. Because the post-doomer is looking for a reason to go on, it is not a problem if this reason changes. Indeed, flexibility concerning the content of one's values is an advantage if one treats values merely as a means of motivating oneself to continue. So, as subjects take values less seriously, it becomes less important that the state's legitimation strategy is increasingly hypocritical and polyvalent. These different values take on an aesthetic quality, becoming different outfits for the subject to wear on different occasions. That the state invites the subject to many different parties becomes a feature rather than a bug.

This will take different forms in the US and UK. American politics is characterised heavily by vetocracy, by the very large number of offices that must be controlled or influenced for a party or movement to succeed in achieving its aims. The United States has fifty states, a bicameral legislature, judicial review and an independent central bank. For each electoral office, political candidates must come up with the funds to run two campaigns – one for the primary and one for the general election. This very large number of offices makes it exceptionally difficult for the American state to do anything. A written constitution also raises the barriers to procedural reform.

This means that the United States will tend to gravitate towards legitimation stories that do not require state action. There will be an emphasis on, for instance, standing for conceptualisations of representation of both

the descriptive and symbolic varieties. But it also means that descriptive and symbolic representation will have to be pursued almost entirely rhetorically. Advocates of descriptive and symbolic representation will not be able to push through constitutional amendments that change electoral law or substantively modify the balance of power among the branches of government or between the federal government and the states.

In practice, this will result in a pervasive sameness. The American political system not only fails to dynamically generate policy reforms, it also fails to generate the procedural reforms that would ordinarily paper over the lack of policy reforms. To paper over the fact that it cannot paper over, the American political system produces politicians who frame politics in a melodramatic way, who adopt extremely radical or reactionary positions that the system cannot possibly realise.

This involves a lot of overpromising and underdelivering. But it also involves fearmongering about what the opposing party might achieve if it wins. American politicians not only overstate what they can do, they overstate what their opponents can do. In the primaries, a Democratic candidate might promise to abolish the police and buy back an enormous number of guns, while a Republican candidate might promise to abolish the progressive income tax in favour of a flat rate or a national sales tax. But the Democrat may allege that the Republican means to establish a fascist state, while the Republican may allege that the Democrat means to establish a communist state. The Democrat and the Republican will not even do the things they promise to do, much less the things the other accuses them of plotting.

The fact that the two American parties cannot actually do anything substantial enables American politicians to say anything they like. Very little of what is positively promised or negatively foreshadowed comes to pass, and so the politician can only be held culpable in so far as the rhetoric itself has consequences. Americans are hard at work persuading themselves and one another that speech acts are acts, that radical and reactionary rhetoric is a kind of dog whistle that motivates mass shooters and violent protesters. If politics consists almost entirely of words, words must be treated as violence, if only to maintain the illusion that politics remains meaningfully political. The less the politicians do, the more meaning and power must be attributed to whatever remains.

There is, then, a constant effort in the United States to take seriously that which is manifestly unserious. In this way, American politics becomes a collective exercise in bad faith. It is a constant effort to pretend a nothing is a something.

British politics is a completely different matter. In the UK, there is no written constitution. Procedural reforms can be straightforwardly enacted either by a vote in the House of Commons or via referendum. The first-past-the-post electoral system can deliver governing majorities even in cases where the leading

party achieves less than 40 per cent of the vote, as the Conservative Party did in 2015. This straightforwardly allows the UK to experiment with procedural reforms. In recent decades, the UK has entertained a variety of different procedural possibilities – devolution, a supreme court, second chamber reform, alternative vote, Scottish independence, mandatory reselection of MPs, new rules for selecting party leaders and, of course, Brexit.

These procedural reforms allow for a more substantive kind of descriptive and symbolic representation than is possible in American politics. But they do not easily produce representation as 'acting for', because the UK is much weaker, geopolitically, than the United States. The American state still has a powerful military and controls access to a large consumer market. If it could commit itself to changing the global tax and trade system, this would matter. Even if the United States might not be strong enough to install a new system, it is certainly capable of damaging the existing system beyond repair. It is the fact that the United States is incapable of generating enough internal unity that prevents it from changing the system. Its procedures are too prone to locking up. British procedures are less vetocratic, and in principle it is easier for the British state to commit to substantive change. But the UK lacks the military and economic power necessary to revise the supranational system. When it tries to make new trade deals with the US or with the EU, it finds itself negotiating at a distinct disadvantage.

The UK's deal with the EU preserved tariff-free trade, but it introduced enough paperwork to seriously inconvenience British exporters. Companies looking to operate in an English-speaking country with access to the European market have good reasons to prefer Ireland – a country with lower tax rates and less bureaucracy. To compete with Ireland to attract business, British tax rates would have to be considerably lower than they are now. A shrinking British tax base makes it harder for the UK to meet its financial obligations, worrying bondholders. The UK can, in theory, withdraw from the system in a thicker, more substantial way, but only at great cost to itself. If the UK reintroduced tariffs on European trade, those tariffs would push more investment out of the country and substantially raise the cost of consumer goods. If the UK tried throwing up capital controls to trap investment, investors would have every incentive to politically organise against the government.

This means that in the UK, there will tend to be procedural reforms, but these procedural reforms cannot substantively change the way the British state acts. Some British subjects want these reforms because they think the reforms will renew the British state's commitment to legitimation stories based around output equality, prosperity, representation as 'acting for', or the non-dependence of the British state on supranational structures, but these procedural reforms will not enable the British state to push towards full legitimacy.

This, however, will not be clear to the reformers until many years after the fact. The fact that Brexit cannot unlock the policy options its supporters

claimed it would unlock has not yet become clear to those supporters, even though some years have passed since Brexit took place. Many Brexit supporters remain convinced that the government is simply refusing to realise the latent potential for reform implicit in Brexit because it is insufficiently committed to reform. The British political system allows for the repeated exchange of leaders and governing parties, allowing disgruntled Brexit supporters to insist many different prime ministers have a go at realising Brexit in some form or other. But none of these prime ministers succeed because Brexit not only fails to increase the policy options – it actually constrains what the British state can do. The UK now has less influence within the EU than it did, and that means it cannot be part of any coalition of EU states attempting to reform or replace European supranational procedures. As an individual state, it has less leverage when it negotiates trade deals with non-EU states like the US, and that means that while it is easier for the UK to make bilateral deals, the deals are much less likely to be worth making. Outside the EU, there is more pressure on the UK to attract outside investment by becoming a tax haven, and that means there is more pressure on the UK to cut funding for public services.

The policy straitjacket only generates more resentment on the part of British subjects who feel the UK is not living up to its legitimation stories. These subjects seek additional procedural reforms, either to undo Brexit or to revise the structure of the British union. In this way, Brexit redirects the demand for procedural reform into the Scottish independence movement, the movement for Irish unification, the movement for a second referendum on EU membership, or the movement for electoral reform in the UK.

But these procedural reforms do not obviously have better prospects than Brexit itself. If some part of the UK made its way back into the EU, it would then have to deal with all the problems the UK dealt with as a member of the EU. These included rising output inequality, a diminished sense that British subjects enjoy representation as 'acting for', the sense that the UK is no longer a prosperous state, or that the UK has become dependent on supranational structures. An independent Scotland would be smaller and less influential within the EU than the UK was, and other big states – like France and Spain – would likely worry about the separatist precedent Scottish accession would create. If Northern Ireland left the UK, it would lose the very substantial subsidies it currently receives from Westminster. The Irish state, with its much smaller economy and much lower tax rates, is not capable of replacing those subsidies. Even if the whole UK votes to rejoin the EU, it will have to do so on the EU's terms, and it may find those terms less favourable than those it enjoyed before Brexit.

A number of different kinds of electoral reform might be tried, but they aren't likely to create many new reform opportunities, and they may diminish the British state's dynamism. A move to proportional representation or alternative vote would increase the prevalence of coalition governments. While that

would allow more parties of the left and right to form, it could also diminish the ability of governing parties to build strong majorities for new reforms. Even if new parties of the left and right do win power, what exactly are they meant to do? It remains the case that if the UK is competing with EU member states economically – inside or outside the EU – it will find it difficult to adopt policies that are wildly out of step with the policies of leading competitors. If the UK attempts to withdraw from that competition, it will have to absorb the costs of being uncompetitive, or it will have to find alternative partners who will impose competitive dynamics of their own.

Ultimately, in the UK, procedural reforms are a way of covering over the diminished international position of the British state. While the US has lost state capacity due to its procedures' high propensity for gridlock, the UK has lost state capacity because it has declined relative to other states. The influence the UK enjoyed within the EU as a member state was substantial relative to the influence of smaller, poorer European states. But it was much less than the influence it had when it was an imperial power. In many states, there is a historical memory of a period in which output inequality was lower. That legacy induces citizens to subscribe to demanding legitimation stories that feature relatively demanding conceptualisations of equality. In the same way, in the UK, there is a historical memory of not merely a state that could act for British subjects, but a state that could impose terms upon other states. The British Empire was not merely a state that could plausibly frame itself as representative in an 'acting for' sense, it was a state that accustomed British subjects to the idea that supranational structures, other states and other populations could be made to act for them, too.

So, as the British state loses the capacity to act for its subjects, this deficit is experienced in a double way – it not only loses the ability to make domestic policy for them, it also loses the ability to make foreign policy for them. This forces the British state to aggressively pursue first-order legitimation shifts through increasingly creative procedural reforms. The British state retains the capacity to experiment with its procedures, and as it becomes clear that one set of procedural reforms cannot end the crisis the British state will throw new reforms into the breach. It is in the UK – not the USA – where we are likely to see the most unusual reforms. In the decades to come, the UK may try new forms of devolution aimed at increasing local control and democratic participation.

Over time, this is likely to introduce dysfunction. For instance, in recent years the Labour Party and the Conservative Party have both tried to involve rank-and-file party members in choosing party leaders. As the parties increasingly struggle to act for their members, they hope that the members' attachment to the parties can be improved by giving them more input. But while the parties have increased the members' role in leadership selection, they have

avoided increasing the role of the members in MP selection. This tends to promote leaders who do not enjoy strong support among MPs, and this leads to parties that enjoy majorities but nonetheless struggle to govern, that struggle to act. To further muddy the waters, the members have a strong tendency to choose leaders who promise dramatic action, beyond the scope of what the British state can deliver in its weakened geopolitical position. If a party allows the members to get their way, it embraces policy positions that cause trouble for it – like Liz Truss's tax cut agenda. But if the MPs work to subvert the members' chosen leader – like Labour MPs did with Jeremy Corbyn – they perform a bait-and-switch that leaves many members more resentful of the party and of the party system than they were before.

If the MPs roll back these reforms and try to reassert the power of the parliamentary party, the members will be very cross and the legitimacy of the party system will further erode. If they introduce something like US-style primaries, they risk losing control of their own parties. They can try avoiding the problem by adopting procedural reforms that shrink the dependence of the British political system on the two leading parties, such as devolution or electoral reform. But most of these reforms also weaken the position of the central government, and they will therefore come at a substantial cost to the British state's capacity to act. Barring a remarkably strong legitimation shift, the more the state's capacity to act erodes, the more demand there is likely to be for further procedural reform. And because the British state's geopolitical position continues to weaken over time, its capacity to act is likely to further erode, even if nothing is done procedurally to exacerbate this. There will therefore be more and more pressure on the British state to adopt procedural reforms that are likely to make the legitimation problems worse in the long run.

There are some reforms that are not likely to further erode the capacity to act, but are also unlikely to unlock the state's potential. If the UK expanded the franchise to younger teenagers – or, as David Runciman has proposed, children as young as six – this would probably make younger voters feel represented for a while.[3] Younger voters would imagine that this reform would give them a chance to elect a government capable of acting for them, and it would take several elections at least to disabuse them of this notion. But many fundamental problems would remain difficult to solve, even with a government more inclined to frame itself as representing younger voices. How does Britain find the revenue necessary to allow the state to maintain its current level of public service provision, much less make new investments in the future of the country, much less do anything substantively redistributive? How will Britain position itself in relation to the United States and the European Union, given that it is in a much weaker position than its negotiating partners? How will the British state persuade its subjects that it acts for them, that it can deliver equality of output, that the country is free in the sense that it does not rely on the arbitrary power of the US

or the EU or other supranational structures? Unless British subjects stop centring these abstractions or conceptualising them in these demanding ways, the British state will have to continually find new ways to distract its subjects from all the things it can no longer do, from all the functions it can no longer perform.

In this way, the British state's capacity to enact procedural reforms obstructs and delays the kind of politics that has already begun to afflict the United States. But, because these reforms cannot deal decisively with the forces that drive politics in this direction, they allow the state to tread water without swimming. British politics becomes frozen in a prolonged denial of the degree to which the state's capacities have degraded, punctuated periodically with new rounds of procedural reforms. The ever-present real possibility of further procedural reform limits the number of British subjects who become doomers and therefore limits the degree to which British politics takes on post-doomer ironism. There will remain, in the UK, a much greater level of political sincerity with much less tolerance for hypocrisy. But this will not restore the state's capacity to act. Instead, it will keep British subjects occupied with meta-conversations about the personal conduct of the politicians and about various new ways of arranging the deckchairs. But the UK is not the *Titanic* – the passengers are in no imminent danger of drowning. It is as if the ship of state has simply run aground.

In the absence of true revolutionary pressure, there is no way of getting the ship back in the water. The revolutionary is willing to embrace the costs involved in developing a new iteration of the state grounded on a fundamentally different legitimation strategy, a strategy that invents new legitimating abstractions or uses old abstractions in new ways. Real change in the US and the UK can only come if the doomers stop looking for ways to survive despair. That means rejecting even despair as a legitimation story, rejecting even the idea that we must accept the state because there is no viable alternative to it. The doomer must abandon the commitment to viability, staying with the negative mood rather than moving into enclavism or post-doomer ironism. In abandoning viability, the doomer abandons not just the insistence that we must have a state that is viable, but that we must ourselves live in a viable way. The revolutionary act is a rebellion against the imperative to prioritise survival itself. It is a negation of the imperative to preserve both oneself and the society that constitutes oneself.

But the revolution only succeeds when this happens in an organised way, so that the rejection of survival is not merely individual but social in character. At present, the doomer who stays with the negative mood tends to become suicidal in some form or fashion. Even the doomer who becomes a political terrorist is engaged not in organised revolutionary activity, but in a kind of suicide by cop, or suicide by drone. What is needed for revolutionary subjectivity is not merely a willingness on the part of the individual to die of despair, but a

willingness on the part of organised constituencies to die. This in turn requires not just a willingness to die, but a commitment to dying well, to dying for something of value. This is why the doomer needs to develop new legitimating abstractions and new conceptualisations, to have something for which to die, for which to organise.

When the doomer is engaged in developing new legitimating abstractions and committed to organised revolutionary activity on the part of these abstractions, they have begun the work of replacing the state with another organisation capable of articulating an alternative legitimation strategy. At that point the doomer is not merely in a negative mood, but in a revolutionary mood, in that they are no longer dying of despair but dying for this new configuration. When the organisation's legitimation strategy is sufficiently developed that even the state's own soldiers begin to feel its pull, only then is the state really forced into the twentieth-century situation of accommodating or fighting. When it is clear that the revolutionaries are willing to die, it becomes possible for the state to pursue policies that are genuinely disruptive, that have substantial economic costs, on the grounds that the political costs of ignoring the situation appear greater than the economic costs of the concessions. It is only at this point that states may deliver real reforms, and not before.

The chronic legitimacy crisis is generating doomers, but these doomers are not becoming revolutionary subjects because they are unable to imagine compelling political systems and legitimating abstractions for which it would be worthwhile to die. The doomers are instead pivoting into enclavism and into ironist post-doomer positions that make it impossible either to have a sufficiently political attitude to one's abstractions or to take abstractions sufficiently seriously in the first instance. In the UK, there are sincere reformists, and in the USA, there is boundless insincerity, but neither state produces the sincere revolutionary subject, let alone effective revolutionary organisations.

To create revolutionary subjectivity, it is not enough to show, pragmatically, some political need or use for revolutionary subjects. If we frame the revolutionary subject as an instrument for achieving the kinds of reforms our democracies presently cannot deliver, all this does is invite us to wait for others to perform this role, so that we might benefit from a struggle we cannot imagine ourselves really participating in. We would have to actually articulate a new, compelling legitimation strategy that would propel the doomers to build revolutionary organisations. This would involve articulating values in a sincere way, to exhibit a genuine commitment to these abstractions as we conceptualise them. We would have to move beyond the negative dialectic into a constructive project. The revolutionary – or the would-be inspirer of revolutionaries – must be committed not just to critique, but to a vision of an alternative order. There must be a commitment to a theory of legitimacy, not just a theory of ideology.

This book unites legitimacy and ideology together into a single account. But it does not supply the defender of legitimacy with a surefire way to end the crisis, nor does it supply the critic of ideology with the necessary conceptual tools to bring it to a head. This work instead highlights a creative impasse that prevents both the defenders of the state's order from successfully legitimating it and the critics of ideology from successfully tearing it down. For either one to succeed, we would have to reintroduce the possibility of failure. That possibility requires at least some substantial number of us to imagine what we cannot imagine – a state that is better than the one we have and for which we would be willing to die.

Where do other liberal democracies stand in relation to this theory? It is not my place to pass judgement on countries I have not extensively studied, but here at the end of the book I will, for the purposes of encouraging discussion, attempt to make some very general suggestions about the embeddedness of the other liberal democracies. Strong candidates for embeddedness possess the following features:

1. They began pitching themselves as liberal democracies at least a century ago and have continuously pitched themselves as liberal democracies ever since.

2. Throughout this period, most of the citizens of these states have believed that their states are in fact liberal democracies.

These democracies did not adopt competing alternative frames during the interwar period or the Cold War, when those alternatives enjoyed credibility, and they are unlikely to abandon the democratic framing now, when the twentieth-century alternatives are, from most points of view, in disgrace. This category would seem to include Australia, Belgium, Canada, Denmark, Finland, Iceland, Ireland, Luxembourg, the Netherlands, New Zealand, Norway, Sweden and Switzerland.[4] The citizens of these states have no living memory of their state pitching itself as anything other than a liberal democracy.

Next there are the states that are moderate candidates for embeddedness. They may not currently be embedded, but they are likely to become so over the course of the twenty-first century if the liberal democratic framing is maintained. These states began pitching themselves as liberal democracies within the last century, but at least two generations ago. As I write, this would include all those states that persuasively adopted a liberal democratic framing before 1974 and have maintained that framing continuously ever since. There are people living in these states today who experienced life under non-democratic regimes and who remember these regimes with some fondness. This category would seem to include Austria, Barbados, Colombia, Costa Rica, Cyprus,

France, West Germany, Greece, India, Israel, Italy, Jamaica, Japan, Malaysia, Malta, Portugal and San Marino, with Mauritius, Spain, Trinidad & Tobago and Vanuatu set to join within the decade.[5]

While I suggest these states are probably not yet embedded, many of them seem likely to become embedded in short order. In so far as the fall of the Soviet Union restricted the political imaginarium, it reduced confidence in the fruitfulness of revolutionary action. This seems likely to accelerate the embedding process, reducing the amount of time it takes for the possibility of revolution to drop out of the picture. It may very well be the case that I am being too cautious here, that some of these states are in fact already embedded. But this is for others to judge.

States that only began framing themselves as democracies very recently, at the end of the Cold War or thereafter, still have a long way to go. If these weak candidates for embeddedness continue to pitch themselves as liberal democracies and they persuade their citizens of their liberal democratic character, they could become embedded democracies by the twenty-second century. This seems very far away to me as I write this book, but it may not seem so far away to you as you read it.

Democracies that are not yet embedded are still potentially vulnerable to the old-fashioned legitimacy crises described by the twentieth-century theorists of legitimacy and ideology. In these states, contradictions have sharp consequences, and pluralism remains capable of generating revolution, revolt and regime change. Once embeddedness sets in and the threat of revolution ebbs away, these states will – if their political systems allow – follow the UK in enacting experimental procedural reforms with increasing frequency. If procedural reforms are blocked, there will be an escalation in discursive agonism that masks a creeping immobility. Amid much screaming and growing superficiality there will come a politics that is not, in any meaningful sense, political. That is the abyss into which the United States stares, as black as the tar pit within which its hydra writhes.

NOTES

Introduction: Methods & Approaches to the Study of Legitimacy

1. Examples include Bruce Ackerman, *The Decline and Fall of the American Republic* (Cambridge, MA: Belknap Press, 2010); Nancy Bermeo, 'On Democratic Backsliding', *Journal of Democracy* 27, no. 1 (2016): 5–19; Steven Levitsky and Daniel Ziblatt, *How Democracies Die: What History Reveals About Our Future* (London: Penguin, 2018); Kim Lane Scheppele, 'Autocratic Legalism', *University of Chicago Law Review* 85, no. 2 (2018): 545–83; Jason Stanley, *How Fascism Works: The Politics of Us and Them* (New York: Random House, 2018); Tom Gerald Daly, 'Democratic Decay: Conceptualising an Emerging Research Field', *Hague Journal on the Rule of Law* 11, no. 1 (2019): 9–36.
2. Steven Levitsky and Daniel Ziblatt, 'The Biggest Threat to Democracy Is the GOP Stealing the Next Election', *The Atlantic*, 9 July 2021, https://www.theatlantic.com/ideas/archive/2021/07/democracy-could-die-2024/619390/
3. For works that tie legitimacy closely to authority, the right to rule, permission to decide, political obligation, or political liability see Hanna Pitkin, 'Obligation and Consent – I', *American Political Science Review* 59, no. 4 (1965): 990–9; Hanna Pitkin, 'Obligation and Consent – II', *American Political Science Review* 60, no. 1 (1966): 39–52; Joseph Raz, ed., *Authority* (Oxford: Blackwell, 1990); A. John Simmons, *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge: Cambridge University Press, 2001); Joseph Raz, 'The Problem of Authority: Revisiting the Service Conception', *Minnesota Law Review* 90, no. 4 (2007): 1003–44; Arthur Isak Applbaum, *Legitimacy: The Right to Rule in a Wanton World* (Cambridge, MA: Harvard University Press, 2019); Fabienne Peter, *The Grounds of*

Political Legitimacy (Oxford: Oxford University Press, 2023); Thomas Fossen, *Facing Authority: A Theory of Political Legitimacy* (Oxford: Oxford University Press, 2024). For efforts to problematise political obligation, see Carole Pateman, *The Problem of Political Obligation: A Critical Analysis of Liberal Theory* (New York: Wiley, 1979); John Dunn, *Political Obligation in Its Historical Context: Essays in Political Theory* (Cambridge: Cambridge University Press, 1980).

4. See for instance Raymond Geuss, *Outside Ethics* (Princeton: Princeton University Press, 2006); Hans Sluga, *Politics and the Search for the Common Good* (Cambridge: Cambridge University Press, 2014); Janosch Prinz, 'Raymond Geuss' Radicalization of Realism in Political Theory', *Philosophy and Social Criticism* 42, no. 8 (2016): 777–96.
5. See Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton: Princeton University Press, 2005); Marc Stears, 'The Liberal Tradition and the Politics of Exclusion', *Annual Review of Political Science* 10 (2007): 85–101; Enzo Rossi, 'Justice, Legitimacy and (Normative) Authority for Political Realists', *Critical Review of International Social and Political Philosophy* 15, no. 2 (2012): 149–64; Matt Sleat, 'Legitimacy in Realist Political Thought: Between Moralism and *Realpolitik*', *Political Theory* 42, no. 3 (2014): 314–37; Carlo Burelli and Chiara Destri, 'The Sources of Political Normativity: The Case for Instrumental and Epistemic Normativity in Political Realism', *Ethical Theory and Moral Practice* 25, no. 3 (2022): 397–413.
6. Samuel Bagg, 'Realism Against Legitimacy: For a Radical, Action-Oriented Political Liberalism', *Social Theory and Practice* 48, no. 1 (2022): 29–60.
7. See for instance Lorna Finlayson, 'With Radicals Like These, Who Needs Conservatives? Doom, Gloom, and Realism in Political Theory', *European Journal of Political Theory* 16, no. 3 (2017): 264–82; Eva Erman and Niklas Möller, 'Political Legitimacy for Our World: Where is Political Realism Going?' *Journal of Politics* 80, no. 2 (2018): 525–38; William Clare Roberts, 'Whose Realism? Which Legitimacy? Ideologies of Domination and Post-Rawlsian Political Theory', *Analyse & Kritik* 44, no. 1 (2022): 41–60.
8. See for instance Ugur Aytac and Enzo Rossi, 'Ideology Critique Without Morality: A Radical Realist Approach', *American Political Science Review* 117, no. 4 (2023): 1215–27; Janosch Prinz and Andy Scerri, 'From Politics to Democracy? Bernard Williams' Basic Legitimation Demand in a Radical Realist Lens', *Constellations*, 23 August 2023, https://doi.org/10.1111/1467-8675.12710
9. See Raymond Geuss, *A World Without Why* (Princeton: Princeton University Press, 2014), 91–111; Sluga, *Politics and the Search for the Common Good*, 28–38, 98–111, 173–200.
10. See for instance Louis Althusser, 'Ideology and Ideological State Apparatuses (Notes Towards an Investigation)', in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (London: Monthly Review Press, 1971), 79–80; Raymond Geuss, *The Idea of a Critical Theory: Habermas and the Frankfurt School* (Cambridge: Cambridge University Press, 1981); Theodor Adorno, *Negative Dialectics*, trans. E. B. Ashton (New York: Continuum, 2007).
11. Jürgen Habermas, *Legitimation Crisis*, trans. Thomas McCarthy (Boston: Beacon Press, 1975).

12. This includes Habermas himself: see Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, 1996). For other writers in this phylum, see Seyla Benhabib, 'Deliberative Rationality and Modes of Democratic Legitimacy', *Constellations* 1, no. 1 (1994): 26–52; Jack Knight and James Johnson, 'Aggregation and Deliberation: On the Possibility of Democratic Legitimacy', *Political Theory* 22, no. 2 (1994): 277–96; Simone Chambers, *Reasonable Democracy: Jürgen Habermas and the Politics of Discourse* (Ithaca: Cornell University Press, 1996); Joshua Cohen, 'Deliberation and Democratic Legitimacy', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, MA: MIT Press, 1997).
13. There is also far too much disagreement these days to suppose that we can or will achieve the level of consensus about values necessary to make Habermas's theory work. See Raymond Geuss, 'A Republic of Discussion: Habermas at Ninety', *The Point*, 18 June 2019, https://thepointmag.com/politics/a-republic-of-discussion-habermas-at-ninety/; Raymond Geuss, 'The Last Nineteenth Century German Philosopher: Habermas at 90', *Verso* (blog), 14 August 2019, https://www.versobooks.com/blogs/news/4408-the-last-nineteenth-century-german-philosopher-habermas-at-90
14. Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge, MA: MIT Press, 1988), 155.
15. Habermas, *Legitimation Crisis*, 69.
16. Andrew Gamble, *Crisis Without End? The Unravelling of Western Prosperity* (New York: Palgrave, 2014); Wolfgang Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism*, trans. Patrick Camiller (New York: Verso, 2014); David Runciman, *How Democracy Ends* (London: Profile, 2018).
17. David Runciman, *The Confidence Trap: A History of Democracy in Crisis from World War I to the Present* (Princeton: Princeton University Press, 2015).
18. Examples include Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1993); Pippa Norris, *Democratic Deficit: Critical Citizens Revisited* (Cambridge: Cambridge University Press, 2011); Adam Przeworski, *Crises of Democracy* (Cambridge: Cambridge University Press, 2019); Levitsky and Ziblatt, *How Democracies Die*.
19. Mark Philp, 'Talking About Democracy: Britain in the 1790s', in *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland 1750–1850*, ed. Joanna Innes and Mark Philp (Oxford: Oxford University Press, 2013), 100–13.
20. See for example Mark C. Suchman, 'Managing Legitimacy: Strategic and Institutional Approaches', *Academy of Management Review* 20, no. 3 (1995): 571–610; Cathyrn Johnson, Timothy J. Dowd and Cecilia L. Ridgeway, 'Legitimacy as a Social Process', *Annual Review of Sociology* 32 (2006): 53–78; Eric W. Schoon, 'Operationalizing Legitimacy', *American Sociological Review* 87, no. 3 (2022): 478–503.
21. See for instance Michael L. Wells, '"Sociological Legitimacy" in Supreme Court Opinions', *Washington and Lee Law Review* 64, no. 3 (2007): 1011–70; Harry Hobbs, 'Hybrid Tribunals and the Composition of the Court: In Search of Sociological Legitimacy', *Chicago Journal of International Law* 16, no. 2 (2016): 482–522;

Richard H. Fallon Jr, *Law and Legitimacy in the Supreme Court* (Cambridge, MA: Belknap Press, 2018).

22. See for example Jonas Tallberg and Michael Zürn, 'The Legitimacy and Legitimation of International Organizations: Introduction and Framework', *Review of International Organizations* 14, no. 4 (2019): 581–606; Marie-Eve Bélanger and Sandra Lavenex, 'Communicating Mobility Restrictions During the COVID-19 Crisis on Twitter: The Legitimacy Challenge', *Swiss Political Science Review* 27, no. 4 (2021): 822–39.
23. For an example, see Wim van Oorschot et al., eds, *The Social Legitimacy of Targeted Welfare: Attitudes to Welfare Deservingness* (Cheltenham: Edward Elgar, 2017).
24. For a thorough exploration, see Tom R. Tyler, *Why People Obey the Law* (Princeton: Princeton University Press, 2006).
25. In political science, see for instance John A. Booth and Mitchell A. Seligson, *The Legitimacy Puzzle in Latin America: Political Support and Democracy in Eight Nations* (Cambridge: Cambridge University Press, 2009); Vladimir Gel'man, 'Regime Changes Despite Legitimacy Crises: Exit, Voice, and Loyalty in Post-Communist Russia', *Journal of Eurasian Studies* 1, no. 1 (2010): 54–63; Steffen Kailitz and Daniel Stockemer, 'Regime Legitimation, Elite Cohesion and the Durability of Autocratic Regime Types', *International Political Science Review* 38, no. 3 (2017): 332–48.
26. Carolien van Ham et al., eds, *Myth and Reality of the Legitimacy Crisis: Explaining Trends and Cross-national Differences in Established Democracies* (Oxford: Oxford University Press, 2017).
27. For a few prominent examples of worries about polarisation, political decay and state capacity, see Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (London: Verso, 2013); Marc J. Hetherington and Thomas J. Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis* (Chicago: University of Chicago Press, 2015); Francis Fukuyama, *Political Order and Political Decay: From the Industrial Revolution to the Globalisation of Democracy* (London: Profile, 2014); James E. Campbell, *Polarized: Making Sense of a Divided America* (Princeton: Princeton University Press, 2018); Will Jennings and Martin Lodge, 'Brexit, the Tides and Canute: The Fracturing Politics of the British State', *Journal of European Public Policy* 26, no. 5 (2019): 772–89; Sara B. Hobolt, Thomas J. Leeper and James Tilley, 'Divided by the Vote: Affective Polarization in the Wake of the Brexit Referendum', *British Journal of Political Science* 51, no. 4 (2021): 1476–93; Edward L. Knudsen, 'A Falling Star? Origins of Declining State Capacity and Democratic Accountability in the United States', *Global Policy* 14, no. S4 (2023): 47–57.
28. Max Weber, 'Science as a Vocation', in *From Max Weber: Essays in Sociology*, ed. and trans. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 129–56.
29. W. B. Gallie, 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society* New Series 56 (1956): 167–98.
30. See for instance Samantha Ashenden, 'Legality, Legitimacy and the Circumstances of Sociology', in *Legality and Legitimacy: Normative and Sociological Approaches*,

ed. Chris Thornhill and Samantha Ashenden (Baden-Baden: Nomos, 2010), 57–78; Chris Thornhill, 'Political Legitimacy: A Theoretical Approach Between Facts and Norms', *Constellations* 18, no. 2 (2011): 135–69; Amanda R. Greene, 'Is Political Legitimacy Worth Promoting?' *Nomos* 61 (2019): 65–101.

31. John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001).
32. Williams, *In the Beginning Was the Deed*.
33. Examples include Robin Celikates, 'From Critical Social Theory to a Social Theory of Critique: On the Critique of Ideology after the Pragmatic Turn', *Constellations* 13, no. 1 (2006): 21–40; Rahel Jaeggi, 'Rethinking Ideology', in *New Waves in Political Philosophy*, ed. Boudewijn de Bruin and Christopher F. Zurn (Basingstoke: Palgrave Macmillan, 2007), 63–86, Jason Stanley, *How Propaganda Works* (Princeton: Princeton University Press, 2015); Janosch Prinz and Enzo Rossi, 'Political Realism as Ideology Critique', *Critical Review of International Social and Political Philosophy* 20, no. 3 (2017): 348–65; Ben Cross, 'Analysing Political Deception: The Virtues of Bernard Williams' Anti-tyranny Argument', *Journal of European Philosophy* 27, no. 2 (2019): 324–36; Ugur Aytac and Enzo Rossi, 'Ideology Critique Without Morality: A Radical Realist Approach', *American Political Science Review* 117, no. 4 (2023): 1215–27; Manon Westphal, 'Against the Status Quo: The Social as a Resource of Critique in Realist Political Theory', *Critical Review of International Social and Political Philosophy* 26, no. 3 (2023): 418–36.
34. For a good piece on the value of considering rulers' interests to better understand how legitimacy works, see Ben Cross, 'Taking Rulers' Interests Seriously: The Case for Realist Theories of Legitimacy', *European Journal of Political Theory*, 7 August 2022, https://doi.org/10.1177/14748851221114302
35. David Beetham, *The Legitimation of Power*, 2nd ed. (New York: Palgrave Macmillan, 2013), 118–120. It should not surprise us that, given he understands crisis this way, Beetham asserts on page 165 that 'the legitimacy of capitalist democracy seems secure'. Beetham first published this book in 1991, when this view was indeed quite plausible. Nicholas Turnbull, 'Legitimation in Terms of Questioning: Integrating Political Rhetoric and the Sociology of Law', in *Legality and Legitimacy: Normative and Sociological Approaches*, ed. Chris Thornhill and Samantha Ashenden (Baden-Baden: Nomos, 2010), 323–37.
36. Pierre Guibentif, 'Sociology Among the Third-Order Observers in Legitimation Processes', in *Legality and Legitimacy: Normative and Sociological Approaches*, ed. Chris Thornhill and Samantha Ashenden (Baden-Baden: Nomos, 2010), 98.
37. William Outhwaite, 'Legitimacy as an Institutional Problem: Legality and Legitimacy in the European Union', in *Legality and Legitimacy: Normative and Sociological Approaches*, ed. Chris Thornhill and Samantha Ashenden (Baden-Baden: Nomos, 2010), 285.
38. Turnbull, 'Legitimation in Terms of Questioning'.

Chapter 1: Legitimacy in the Mid to Late Twentieth Century

1. Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), 132.

2. For some contemporary examples of procedural democratic thought, see Maria Paula Saffon and Nadia Urbinati, 'Procedural Democracy, the Bulwark of Democratic Liberty', *Political Theory* 41, no. 3 (2013): 441–81; Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008).
3. For some contemporary examples of epistemic democratic thought, see Hélène Landemore, *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many* (Princeton: Princeton University Press, 2012); David M. Estlund, *Democratic Authority: A Philosophical Framework*. (Princeton: Princeton University Press, 2008).
4. Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge, MA: MIT Press, 1988), 153–7.
5. John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), 192–5.
6. Ibid., 195.
7. Ibid., 195.
8. Examples include Roberta Sala, 'The Place of Unreasonable People Beyond Rawls', *European Journal of Political Theory* 12, no. 3 (2013): 253–70; Enzo Rossi, 'Legitimacy and Consensus in Rawls' Political Liberalism', *Iride* 2014, no. 1: 37–56; Aaron Ancell, 'The Fact of Unreasonable Pluralism', *Journal of the American Philosophical Association* 5, no. 4 (2019), 410–28; Francesca De Vecchi and Roberta Sala, 'Compliance with Justice: Shared Values and Modus Vivendi', *Critical Review of International Social and Political Philosophy* 26, no 1 (2023): 56–70.
9. Jürgen Habermas, *Legitimation Crisis*, trans. Thomas McCarthy (Boston: Beacon Press, 1975), 36–7, 47–8, 93.
10. Ibid., 93–143. If this happens, the political system takes on a 'decisionist' character and the pressure for legitimation is removed. This view is grounded on Habermas's theory of universal morality and his insistence that the concept of legitimacy can only make sense from the point of view of this theory. It is beyond the scope of this book to lay that theory out in detail. It is a view that is specific to Habermas and not widely shared by the other theorists considered in this chapter. Bernard Williams straightforwardly denies the relevance of universal morality for legitimacy. Reinhart Koselleck finds legitimacy to be important even in decisionist contexts. In *Minima Moralia*, Theodor Adorno explicitly critiques what he calls 'the liberal fiction which holds that any and every thought must be universally communicable to anyone whatever'.
11. Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton: Princeton University Press, 2005), 4.
12. Ibid., 3.
13. Ibid., 5.
14. Ibid., 8.
15. Ibid., 6.
16. Ibid., 7.
17. Ibid., 8.
18. The same goes for Williams's notion of disadvantage – but we will pick that back up in the section on equality.

19. Theodor Adorno, *Negative Dialectics*, trans. E. B. Ashton (New York: Continuum, 2007), 40, 66, 82, 89, 149.
20. For example, Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994); Max Weber, 'Politics as a Vocation', in *From Max Weber: Essays in Sociology*, ed. and trans. H. H. Gerth and C. Wright Mills (Oxford: Oxford University Press, 1946), 77–128, Judith N. Shklar, 'Putting Cruelty First', *Daedalus* 111, no. 3 (1982): 17–27; David Runciman, *Political Hypocrisy: The Mask of Power, from Hobbes to Orwell and Beyond* (Princeton: Princeton University Press, 2010).
21. Louis Althusser, 'Ideology and Ideological State Apparatuses (Notes Towards an Investigation)', in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (London: Monthly Review Press, 1971), 79–80.
22. Dahl, *Polyarchy*, 179–80.
23. Koselleck, *Critique and Crisis*, 153–7.
24. Habermas, *Legitimation Crisis*, 93.
25. 'Barter as a process has real objectivity and is objectively untrue at the same time, transgressing against its own principle, the principle of equality. This is why, of necessity, it will create a false consciousness: the idols of the market. It is only in a sardonic sense that the barter society's natural growth is a law of nature, that the predominance of economics is no invariant. The thinker may easily comfort himself by imagining that in the dissolution of reification, of the merchandise character, he possesses the philosophers' stone. But reification itself is the reflexive form of false objectivity; centring theory around reification, a form of consciousness, makes the critical theory idealistically acceptable to the reigning consciousness and to the collective unconscious.' Adorno, *Negative Dialectics*, 190.
26. 'We can no more reduce dialectics to reification than we can reduce it to any other isolated category, however polemical. The cause of human suffering, meanwhile, will be glossed over rather than denounced in the lament about reification. The trouble is with the conditions that condemn mankind to impotence and apathy and would yet be changeable by human action; it is not primarily with people and with the way conditions appear to people. Considering the possibility of total disaster, reification is an epiphenomenon, and even more so is the alienation coupled with reification, the subjective state of consciousness that corresponds to it.' Ibid.
27. Ibid., 373. In calling it the 'final' ideology Adorno does, however, seem to suggest that the experience of despair might propel us out of the realm of ideas and into active life.
28. Althusser, 'Ideology and Ideological State Apparatuses', 79–80.
29. Theodor Adorno, 'Beitrag zur Ideologienlehre', *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 6 (1954): 360–75.
30. Ugur Aytac, 'Global Political Legitimacy and the Structural Power of Capital', *Journal of Social Philosophy* 54, no. 4 (2023): 490–509.
31. Comparativist Jeffrey Winters rightly points out that in 'warring oligarchies', warlords struggle with one another for power. Even in more stable polities, where there is a ruling group of oligarchs, or a single 'sultanistic' oligarch ruling over the rest, or

a set of impersonal, civil institutions mediating oligarch competition, the possibility of conflict among the oligarchs is never fully withdrawn. See Jeffrey A. Winters, *Oligarchy* (Cambridge: Cambridge University Press, 2011).

32. For discussion of the role of the internet in generating ideology, see for instance Christian Fuchs, *Nationalism on the Internet: Critical Theory and Ideology in the Age of Social Media and Fake News* (New York: Routledge, 2019).
33. Raymond Geuss, *Philosophy and Real Politics* (Princeton: Princeton University Press, 2008), 91.
34. Ibid., 52.
35. Ibid., 55.
36. Raymond Geuss, *A World Without Why* (Princeton: Princeton University Press, 2014), 231.
37. For instance, Francis Fukuyama, *The End of History and the Last Man* (London: Penguin, 1992).
38. Dahl, *Polyarchy*, 179.
39. Adorno, *Negative Dialectics*, xx.
40. Williams, *In the Beginning Was the Deed*, 125–6.
41. Dahl, *Polyarchy*, 176.
42. Habermas, *Legitimation Crisis*, 36–7.
43. Compare the ways David Cameron and Ed Miliband used the term in the middle of the last decade. See for instance David Cameron, 'The Conservatives Have Become the Party of Equality', *The Guardian*, 26 October 2015, https://www.theguardian.com/commentisfree/2015/oct/26/david-cameron-conservatives-party-of-equality; Ed Miliband, 'The Inequality Problem', *London Review of Books*, 4 February 2016, https://www.lrb.co.uk/the-paper/v38/n03/ed-miliband/the-inequality-problem. For academic perspectives, see for instance Eunice Goes, *The Labour Party Under Ed Miliband: Trying but Failing to Renew Social Democracy* (Manchester: Manchester University Press, 2016); Jo Littler, 'Meritocracy as Plutocracy: The Marketizing of "Equality" Under Neoliberalism', *New Formations* 80–1 (2013): 52–72.
44. Williams, *In the Beginning Was the Deed*, 125–6.
45. Ibid., 126–7.
46. Ibid., 122–6.
47. Rawls, *Justice as Fairness: A Restatement*, 48–9.
48. Ibid., 49.
49. Ibid., 79.
50. Geuss, *A World Without Why,* 103.
51. Ibid., 111.
52. For a comprehensive discussion of equality during the French Revolution, see François Furet, *Interpreting the French Revolution*, trans. Elborg Forster (Cambridge: Cambridge University Press, 1981). For a discussion of the hazards of locating the general will, see Ruth Scurr, 'Varieties of Democracy in the French Revolution', in *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland 1750–1850*, ed. Joanna Innes and Mark Philp (Oxford: Oxford University Press, 2013), 56–68.

Chapter 2: Theorising Legitimation Stories

1. Judith N. Shklar, *Ordinary Vices* (Cambridge, MA: Belknap Press, 1984), 63.
2. For example, Michael Walzer, 'Political Action: The Problem of Dirty Hands', *Philosophy & Public Affairs* 2, no. 2 (1973): 160–80; Suzanne Dovi, '"Making the World Safe for Hypocrisy?"', Polity 34, no. 1 (2001): 3–30; Stephen de Wijze, 'Dirty Hands: Doing Wrong to Do Right', in *Politics and Morality*, ed. Igor Primoratz (Basingstoke: Palgrave Macmillan, 2007), 3–19; David Runciman, *Political Hypocrisy: The Mask of Power, from Hobbes to Orwell and Beyond* (Princeton: Princeton University Press, 2010); Demetris Tillyris, 'The Virtue of Vice: A Defence of Hypocrisy in Democratic Politics', *Contemporary Politics* 22, no. 1 (2016): 1–19.
3. Neil Levy, 'Punishing the Dirty', in *Politics and Morality*, ed. Igor Primoratz (Basingstoke: Palgrave Macmillan, 2007), 38–53.
4. Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton: Princeton University Press, 2005), 94–5.
5. In Williams scholarship, see for instance Matt Sleat, 'Making Sense of our Political Lives – On the Political Thought of Bernard Williams', *Critical Review of International Social and Political Philosophy* 10, no. 3 (2007): 389–98; Edward Hall, 'Bernard Williams and the Basic Legitimation Demand: A Defence', *Political Studies* 63, no. 2 (2015): 466–80. To see some applications, try Jan Pieter Beetz and Enzo Rossi, 'The EU's Democratic Deficit in a Realist Key: Multilateral Governance, Popular Sovereignty and Critical Responsiveness', *Transnational Legal Theory* 8, no. 1 (2017): 22–41; Fernando Pinto Santos, 'Changing an Organisation's Legitimation Story: Navigating Between the Materiality of the Past and the Strategy for the Future', *Culture and Organisation* 28, no. 6 (2022): 485–508.
6. Williams, *In the Beginning Was the Deed*, 125–6.
7. The state can be said to act without ascribing intentionality to it. See Sean Fleming, 'Moral Agents and Legal Persons: The Ethics and the Law of State Responsibility', *International Theory* 9, no. 3 (2017): 466–89.
8. 'Full Text: Bush's Speech', *The Guardian*, 17 March 2003, https://www.theguardian.com/world/2003/mar/18/usa.iraq
9. 'President Bush Discusses Freedom in Iraq and Middle East', The White House, 6 November 2003, https://georgewbush-whitehouse.archives.gov/news/releases/2003/11/20031106-2.html
10. George W. Bush, 'President Outlines Strategy for Victory in Iraq', The White House, 30 November 2005, https://georgewbush-whitehouse.archives.gov/news/releases/2005/11/20051130-2.html
11. Kathleen Hall Jamieson, 'Justifying the War in Iraq: What the Bush Administration's Uses of Evidence Reveal', *Rhetoric & Public Affairs* 10, no. 2 (2007): 249–73; Babak Bahador, Jeremy Moses and William Lafi Youmans, 'Rhetoric and Recollection: Recounting the George W. Bush Administration's Case for War in Iraq', *Presidential Studies Quarterly* 48, no. 1 (2018): 4–26.
12. Shklar, *Ordinary Vices*, 64–5.
13. Ernesto Laclau, *Emancipation(s)* (London and New York: Verso, 2007), 36–46.
14. 'Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government', The White House, 20 January 2021,

https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/

15. Ibid.
16. For political science research on this issue, see Thomas G. Hansford and Brad T. Gomez, 'Estimating the Electoral Effects of Voter Turnout', *American Political Science Review* 104, no. 2 (2010): 268–88; Anthony Fowler, 'Regular Voters, Marginal Voters and the Electoral Effects of Turnout', *Political Science Research and Methods* 3, no. 2 (2015): 205–19; Daniel M. Thompson et al., 'Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share', *PNAS* 117, no. 25 (2020): 14052–6.
17. For political science discussions of the importance of party distinctiveness, see for instance Markus Wagner, 'When Do Parties Emphasise Extreme Positions? How Strategic Incentives for Policy Differentiation Influence Issue Importance', *European Journal of Political Research* 51, no. 1 (2012): 64–88; Soorjith Illickal Karthikeyan, Stefan Jonsson and Filippo Carlo Wezel, 'The Travails of Identity Change: Competitor Claims and Distinctiveness of British Political Parties, 1970–1992', *Organization Science* 27, no. 1 (2016): 106–22; David Fortunato, 'Legislative Review and Party Differentiation in Coalition Governments', *American Political Science Review* 113, no. 1 (2019): 242–7.
18. For discussions of this 'consensus' see Martin Ivens, 'Can a Sunak–Starmer Consensus Cure What Ails Britain?', Bloomberg, 7 January 2023, https://www.bloomberg.com/opinion/articles/2023-01-07/can-a-conservative-and-labour-consensus-cure-what-ails-britain; George Eaton, 'The Quiet Consensus: How Labour and the Tories Are Converging', *New Statesman*, 16 March 2023, https://www.newstatesman.com/quickfire/2023/03/the-quiet-consensus-how-labour-and-the-tories-are-converging
19. See for instance the following seminal piece: R. Kent Weaver, 'The Politics of Blame Avoidance', *Journal of Public Policy* 6, no. 4 (1986): 371–98.
20. For a discussion in reference to Corbyn, see Andrew Murray, *Is Socialism Possible in Britain? Reflections on the Corbyn Years* (London: Verso, 2022).
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4. Here I presume that certain states that were occupied by Nazi Germany – such as Norway – did not adopt an alternative frame. This assumption might be wrong.
5. Here I am deliberately suggesting that West Germany might become embedded before East Germany does. This might be consequential for Germany as a whole. I am also letting the 1975–7 emergency in India slide, perhaps wrongly.

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